State of Illinois
91st General Assembly
Final Senate Journal

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

96TH LEGISLATIVE DAY

THURSDAY, APRIL 6, 2000

8:30 O'CLOCK A.M.

No. 96

[Apr. 6, 2000]

The Senate met pursuant to adjournment.
Senator Walter Dudycz, Chicago, Illinois, presiding.
Prayer by Father Thom Dennis, Cathedral of the Immaculate Conception, Springfield, Illinois.
Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, April 4, 2000, was being read when on motion of Senator Myers further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Myers moved that reading and approval of the Journal of Wednesday, April 5, 2000 be postponed pending arrival of the printed Journal.

The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

The 1999 Public Pension Report submitted by the Department of Insurance in compliance with 40 ILCS 5/1A-108 of the Illinois Pension Code.

The Fiscal Year 2001 Report on the Liabilities of the State Employees' Group Insurance Program submitted by the Illinois Economic and Fiscal Commission.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to House Bill 390
Senate Amendment No. 2 to House Bill 3225
Senate Amendment No. 1 to House Bill 3872
Senate Amendment No. 1 to House Bill 3873
Senate Amendment No. 1 to House Bill 3876
Senate Amendment No. 2 to House Bill 3928
Senate Amendment No. 2 to House Bill 4116

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1658

A bill for AN ACT concerning workers' compensation self-insurance pools, amending named Acts.

[Apr. 6, 2000]

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:
House Amendment No. 1 to SENATE BILL NO. 1658
House Amendment No. 2 to SENATE BILL NO. 1658

Passed the House, as amended, April 5, 2000.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1658

AMENDMENT NO. 1. Amend Senate Bill 1658 on page 1 by replacing lines 1 and 2 with the following:

"AN ACT in relation to workers' compensation."; and

on page 19, line 25, by replacing "4" with "4 and adding Section 10.1"; and

on page 29 by inserting immediately below line 26 the following:

"(820 ILCS 305/10.1 new)

Sec. 10.1. Compromise lump sum settlement. The parties, by agreement and with approval of an arbitrator or the Commission, may enter into a compromise lump sum settlement in either permanent total or permanent partial disability cases which prorates the lump sum settlement over the life expectancy of the injured worker. When such an agreement has been approved, neither the weekly compensation rate paid throughout the case nor the maximum statutory weekly rate applicable to the injury shall apply. No compensation rate shall exceed the maximum statutory weekly rate as of the date of the injury. Instead, the prorated rate set forth in the approved settlement documents shall control and become the rate for that case. This Section shall be retroactive in effect.".

AMENDMENT NO. 2 TO SENATE BILL 1658

AMENDMENT NO. 2. Amend Senate Bill 1658, AS AMENDED, in Section 10 of the bill by inserting immediately below the last line of Sec. 107a.03 the following:

"The State of Illinois, a unit of local government or school district, or association or instrumentality thereof, or an intergovernmental risk management association, self-insurance pool or self-administered health and accident cooperative or pool shall not be deemed an "employer" or "pool" for the purpose of this Article."; and

in Section 10 of the bill, in Sec. 107a.06, in item (1) of subsection (c), by deleting "and fees to be charged"; and

in Section 10 of the bill, in Sec. 107a.13, in the first sentence of subsection (c), by changing "securities has been" to "securities, if any, has been"; and

in Section 10 of the bill, in Sec. 107a.14, in the first sentence of subsection (b) by changing "group" each time it appears to "qualified group"; and

in Section 10 of the bill, in Sec. 107a.14, in the second sentence of subsection (b) by changing "of the group" to "of the qualified group"; and

in Section 10 of the bill, in Sec. 107a.14, in the third sentence of subsection (b) by changing "declared a" to "declared a qualified"; and

in Section 10 of the bill, in Sec. 107a.14, in the third sentence of subsection (b) by changing "from all" to "from all qualified"; and

in Section 10 of the bill, in Sec. 107a.14, in the fourth sentence of subsection (b) by changing "group" to "qualified group".

Under the rules, the foregoing **Senate Bill No. 1658**, with House

Amendments numbered 1 and 2, was referred to the Secretary's Desk.

REPORTS FROM RULES COMMITTEE

Senator Weaver Chairperson of the Committee on Rules, to which was referred **House Bill No. 1841,** on June 27, 1999, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 1841,** was returned to the order of third reading.

Senator Weaver, Chairperson of the Committee on Rules, during its April 6, 2000 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Commerce and Industry: **Senate Amendments numbered 4 and 5 to House Bill 2980.**

Environment and Energy: **Senate Amendments numbered 1 and 2 to House Bill 3093; Senate Amendment No. 2 to House Bill 3457.**

Executive: **Senate Amendment No. 2 to House Bill 2884; Senate Amendment No. 2 to House Bill 3588; Senate Amendment No. 1 to House Bill 3621; Senate Amendment No. 1 to House Bill 3872; Senate Amendment No. 1 to House Bill 3873; Senate Amendment No. 1 to House Bill 3876; Senate Amendment No. 1 to House Bill 4124.**

Insurance and Pensions: **Senate Amendment No. 2 to House Bill 4176.**

Judiciary: **Senate Amendment No. 1 to House Bill 1785; Senate Amendment No. 2 to House Bill 3082; Senate Amendment No. 1 to House Bill 3929; Senate Amendment No. 1 to House Bill 4045.**

Licensed Activities: **Senate Amendment No. 2 to House Bill 3928.**

Local Government: **Senate Amendments numbered 1 and 2 to House Bill 390; Senate Amendment No. 2 to House Bill 840; Senate Amendment No. 4 to House Bill 1841; Senate Amendments numbered 1 and 2 to House Bill 3225.**

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

Senate Amendment No. 1 to House Bill 1992

The foregoing floor amendment was placed on the Secretary's Desk.

PRESENTATION OF RESOLUTION

Senator Karpiel offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 338

WHEREAS, In 1982, the Department on Aging established 13 planning and service areas that develop a service delivery system for social and nutrition services needed by older Illinoisans; and

WHEREAS, The service areas have not been revised since they were created; and

WHEREAS, Illinois has experienced a continuous shifting of

population through the years resulting in demographic changes within the service areas; and

WHEREAS, The population distribution of older Illinoisans may be causing some service areas to represent more than their share of the population while other service areas represent a smaller percentage of the population; and

WHEREAS, It is in the best interest of the State to use population totals from the 2000 federal census in determining the population distribution of older Illinoisans in Illinois; and

WHEREAS, The 2000 census final counts will not be available until 2001; and therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that there is created within the Department on Aging a task force to study the feasibility of re-mapping planning and service areas; and be it further

RESOLVED, That this resolution of the 91st General Assembly takes precedence over Senate Resolution 135, also of the 91st General Assembly, adopted May 26, 1999; and be it further

RESOLVED, That the task force shall consist of one member from each planning and service area, appointed by the Director of Aging; and be it further

RESOLVED, That the Director of Aging shall appoint not more than 17 other members to the task force who shall be persons interested in the planning, development, delivery, and administration of services to senior citizens; and be it further

RESOLVED, That the task force shall complete its study using data from the federal 2000 census and shall include in the study population totals, a summary of the required services, and the population needs of each planning and service area; and be it further

RESOLVED, That task force members shall serve without compensation, but shall be reimbursed for their necessary expenses actually incurred in performing their duties; and be it further

RESOLVED, That the Task Force shall begin its study upon adoption of this Resolution and make a preliminary report to the General Assembly no later than January 9, 2001; and be it further

RESOLVED, That a final report of the Task Force will be requested no later than January 1, 2003; and be it further

RESOLVED, That a copy of this resolution shall be sent to the Director of Aging.

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced that the Executive Committee will meet today in Room 212, Capitol Building, at 9:30 o'clock a.m.

The Chair announced that the Insurance and Pensions Committee will meet today in Room 212, Capitol Building, at 11:30 o'clock a.m.

The Chair announced that the Local Government Committee will meet today in Room A-1, Stratton Building, at 11:30 o'clock a.m.

The Chair announced that the Judiciary Committee will meet today in Room 400, Capitol Building, at 12:15 o'clock p.m.

The Chair announced that the Environment and Energy Committee will meet today in Room 400, Capitol Building, at 1:00 o'clock p.m.

The Chair announced that the Commerce and Industry Committee will meet today in Room 212, Capitol Building, at 1:30 o'clock p.m.

The Chair announced that the Licensed Activities Committee will meet today in Room A-1, Stratton Building, at 1:30 o'clock p.m.

At the hour of 8:50 o'clock a.m., the Chair announced that the Senate stand at recess until 2:00 o'clock p.m.

AFTER RECESS

At the hour of 2:39 o'clock p.m., the Senate resumed consideration of business.
Senator Maitland, presiding.

LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to House Bill 3876
Senate Amendment No. 3 to House Bill 4227
Senate Amendment No. 2 to House Bill 4404

REPORTS FROM STANDING COMMITTEES

Senator Lauzen, Chairperson of the Committee on Commerce and Industry to which was referred **Senate floor Amendments numbered 4 and 5 to House Bill No. 2980,** reported the same back with the recommendation that they be approved for consideration.
Under the rules, the foregoing amendments are eligible for consideration on second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred **Senate floor Amendments numbered 1 and 2**

to House Bill No. 3093, reported the same back with the recommendation that they be adopted.

Under the rules, the foregoing amendments are eligible for consideration on second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred **Senate floor Amendment No. 2 to House Bill No. 3457,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Klemm, Chairperson of the Committee on Executive, to which was referred **Senate Resolution No. 292** reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Resolution 292** was placed on the Secretary's Desk.

Senator Klemm, Chairperson of the Committee on Executive, to which was referred **Senate Joint Resolution No. 69** reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Joint Resolution 69** was placed on the

Secretary's Desk.

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 2 to House Bill No. 2884,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 2 to House Bill No. 3588,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 1 to House Bill No. 3621,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Klemm, Chairperson of the Committee on Executive to which was referred **Senate floor Amendment No. 1 to House Bill No. 4124,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator R. Madigan, Chairperson of the Committee on Insurance and

Pensions to which was referred **Senate floor Amendment No. 1 to House Bill No. 3756,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **Senate floor Amendment No. 2 to House Bill No. 4176,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 2 to House Bill No. 730,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 1 to House Bill No. 1785,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 2 to House Bill No. 3082,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 1 to House Bill No. 3465,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 1 to House Bill No. 3929,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred **Senate floor Amendment No. 1 to House Bill No. 4045,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **Senate floor Amendment No. 2 to House Bill No. 3455,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred **Senate floor Amendment No. 2 to House Bill No. 3928,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Dillard, Chairperson of the Committee on Local Government to which was referred **Senate floor Amendments numbered 1 and 2 to House Bill No. 390,** reported the same back with the recommendation that they be adopted.

Under the rules, the foregoing amendments are eligible for consideration on second reading.

Senator Dillard, Chairperson of the Committee on Local Government to which was referred **Senate floor Amendment No. 2 to House Bill No. 840,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Dillard, Chairperson of the Committee on Local Government to which was referred **Senate floor Amendment No. 4 to House Bill No. 1841,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Dillard, Chairperson of the Committee on Local Government, to which was referred **Senate floor Amendment No. 1 to House Bill No. 2261**, reported the same back with the recommendation that the amendment be tabled.

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Senator Dillard, Chairperson of the Committee on Local Government to which was referred **Senate floor Amendment No. 2 to House Bill No. 2261,** reported the same back with the recommendation that it be adopted.

Under the rules, the foregoing amendment is eligible for consideration on second reading.

Senator Dillard, Chairperson of the Committee on Local Government to which was referred **Senate floor Amendments numbered 1 and 2 to**

House Bill No. 3225, reported the same back with the recommendation that they be adopted.

Under the rules, the foregoing amendments are eligible for consideration on second reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Myers, **House Bill No. 840** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 840 by replacing the title with the following:

"AN ACT concerning local governments."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Local Records Act is amended by changing Section 7 as follows:

(50 ILCS 205/7) (from Ch. 116, par. 43.107)

Sec. 7. Disposition rules. Except as otherwise provided by law, no public record shall be disposed of by any officer or agency unless the written approval of the appropriate Local Records Commission is first obtained.

The Commission shall issue regulations which shall be binding on all such officers. Such regulations shall establish procedures for compiling and submitting to the Commission lists and schedules of public records proposed for disposal; procedures for the physical destruction or other disposition of such public records; and standards for the reproduction of such public records by photography, microphotographic processes, or digitized electronic format. Such standards shall relate to the quality of the film to be used, preparation of the public records for filming or electronic conversion, proper identification matter on such records so that an individual document or series of documents can be located on the film or digitized electronic form with reasonable facility, and that the copies contain all significant record detail, to the end that the copies will be adequate. Any public record may be reproduced in a digitized electronic format. Those records for which the Commission has given or does give written approval for disposal after a retention period of 10 years or less may be digitized and disposed of providing: (i) the reproduction process forms a durable medium that accurately and legibly reproduces the original record in all details and that does not permit additions, deletions, or changes to the original document images, (ii) the reproduction is retained for the prescribed retention period, and (iii) the Commission is notified when the original record is disposed of and also when the digitized record is disposed of. Those records for which the Commission has given or does give written approval for disposal after a retention period of more than 10 years or for which the Commission has required

or does require permanent retention may be digitized and disposed of providing: (i) the reproduction process forms a durable medium that accurately and legibly reproduces the original record in all details and that does not permit additions, deletions, or changes to the original document images and~~,~~ (ii) ~~the records are also reproduced in a microfilm format that is in compliance with Commission regulations and that is retained for the written retention period, and (iii)~~ the Commission is notified when the original record is disposed of ~~and also when the microfilmed record is disposed of~~.

Such regulations shall also provide that the State archivist may retain any records which the Commission has authorized to be destroyed, where they have a historical value, and that the State archivist may deposit them in the State Archives, State Historical Library, or a university library, or with a historical society, museum, or library.

(Source: P.A. 89-272, eff. 8-10-95; 90-701, eff. 1-1-99.)

Section 10. The Counties Code is amended by changing Section 3-5018 as follows:

(55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

Sec. 3-5018. Fees. The recorder elected as provided for in this Division shall receive such fees as are or may be provided for him by law, in case of provision therefor: otherwise he shall receive the same fees as are or may be provided in this Section, except when increased by county ordinance pursuant to the provisions of this Section, to be paid to the county clerk for his services in the office of recorder for like services. No filing fee shall be charged for providing informational copies of financing statements to the recorder pursuant to subsection (8) of Section 9-403 of the Uniform Commercial Code.

For recording deeds or other instruments $12 for the first 4 pages thereof, plus $1 for each additional page thereof, plus $1 for each additional document number therein noted. The aggregate minimum fee for recording any one instrument shall not be less than $12.

For recording deeds or other instruments wherein the premises affected thereby are referred to by document number and not by legal description a fee of $1 in addition to that hereinabove referred to for each document number therein noted.

For recording assignments of mortgages, leases or liens $12 for the first 4 pages thereof, plus $1 for each additional page thereof. However, except for leases and liens pertaining to oil, gas and other minerals, whenever a mortgage, lease or lien assignment assigns more than one mortgage, lease or lien document, a $7 fee shall be charged for the recording of each such mortgage, lease or lien document after the first one.

For recording maps or plats of additions or subdivisions approved by the county or municipality (including the spreading of the same of record in map case or other proper books) or plats of condominiums $50 for the first page, plus $1 for each additional page thereof except that in the case of recording a single page, legal size 8 1/2 x 14, plat of survey in which there are no more than two lots or parcels of land, the fee shall be $12. In each county where such maps or plats are to be recorded, the recorder may require the same to be accompanied by such number of exact, true and legible copies thereof as the recorder deems necessary for the efficient conduct and operation of his office.

For certified copies of records the same fees as for recording, but in no case shall the fee for a certified copy of a map or plat of

an addition, subdivision or otherwise exceed $10.

Each certificate of such recorder of the recording of the deed or other writing and of the date of recording the same signed by such

recorder, shall be sufficient evidence of the recording thereof, and such certificate including the indexing of record, shall be furnished upon the payment of the fee for recording the instrument, and no additional fee shall be allowed for the certificate or indexing.

The recorder shall charge an additional fee, in an amount equal to the fee otherwise provided by law, for recording a document (other than a document filed under the Plat Act or the Uniform Commercial Code) that does not conform to the following standards:

(1) The document shall consist of one or more individual sheets measuring 8.5 inches by 11 inches, not permanently bound and not a continuous form. Graphic displays accompanying a document to be recorded that measure up to 11 inches by 17 inches shall be recorded without charging an additional fee.

(2) The document shall be legibly printed in black ink, by hand, type, or computer. Signatures and dates may be in contrasting colors if they will reproduce clearly.

(3) The document shall be on white paper of not less than 20-pound weight and shall have a clean margin of at least one-half inch on the top, the bottom, and each side. Margins may be used for non-essential notations that will not affect the validity of the document, including but not limited to form numbers, page numbers, and customer notations.

(4) The first page of the document shall contain a blank space, measuring at least 3 inches by 5 inches, from the upper right corner.

(5) The document shall not have any attachment stapled or otherwise affixed to any page.

A document that does not conform to these standards shall not be recorded except upon payment of the additional fee required under this paragraph. This paragraph, as amended by this amendatory Act of 1995, applies only to documents dated after the effective date of this amendatory Act of 1995.

The county board of any county may provide for an additional charge of $3 for filing every instrument, paper, or notice for record, in order to defray the cost of converting the county recorder's document storage system to computers or micrographics.

A special fund shall be set up by the treasurer of the county and such funds collected pursuant to Public Act 83-1321 shall be used solely for a document storage system to provide the equipment, materials and necessary expenses incurred to help defray the costs of implementing and maintaining such a document records system.

The county board of any county that provides and maintains a countywide map through a Geographic Information System (GIS) may provide for an additional charge of $3 for filing every instrument, paper, or notice for record in order to defray the cost of implementing or maintaining the county's Geographic Information System. Of that amount, $2 must be deposited into a special fund set up by the treasurer of the county, and any moneys collected pursuant

to this amendatory Act of the 91st General Assembly and deposited into that fund must be used solely for the equipment, materials, and necessary expenses incurred in implementing and maintaining a Geographic Information System. The remaining $1 must be deposited into the recorder's special funds created under Section 3-5005.4. The recorder may, in his or her discretion, use moneys in the funds created under Section 3-5005.4 to defray the cost of implementing or maintaining the county's Geographic Information System.

The foregoing fees allowed by this Section are the maximum fees that may be collected from any officer, agency, department or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section and collect such

increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service.

A statement of the costs of providing each service, program and activity shall be prepared by the county board. All supporting documents shall be public record and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity.

(Source: P.A. 89-160, eff. 7-19-95; 90-300, eff. 1-1-98.)".

Senator Myers offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 840, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, line 8, after "a", by inserting "microfilm or"; and

on page 2, by replacing lines 9 through 12 with the following:

"electronic format. The agency may dispose of the original of any reproduced record ~~Those records for which the Commission has given or does give written approval for disposal after a retention period of 10 years or less may be digitized and disposed of~~ providing: (i) the reproduction process forms a"; and

on page 2, line 14, by replacing "details and" with "details, ~~and~~"; and

on page 2, line 16, after "images,", by inserting "and, if electronic, that are retained in a trustworthy manner so that the records, and the information contained in the records, are accessible and usable for subsequent reference at all times while the information must be retained," and

on page 2, by replacing lines 19 through 32 with the following:

"reproduced ~~digitized~~ record is disposed of. ~~Those records for which the Commission has given or does give written approval for disposal after a retention period of more than 10 years or for which the Commission has required or does require permanent retention may be~~

~~digitized and disposed of providing: (i) the reproduction process forms a durable medium that accurately and legibly reproduces the original record in all details and that does not permit additions, deletions, or changes to the original document images, (ii) the records are also reproduced in a microfilm format that is in compliance with Commission regulations and that is retained for the written retention period, and (iii) the Commission is notified when the original record is disposed of and also when the microfilmed record is disposed of.~~".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Myers, **House Bill No. 2346** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **House Bill No. 3082** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Judiciary.

[Apr. 6, 2000]

Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3082 on page 1, line 25 by inserting after "Act." the following:

"For purposes of this subsection (b-5), an authorized package includes a package previously authorized under the Illinois Hazardous Materials Transportation Act.".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator W. Jones, **House Bill No. 4022** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **House Bill No. 4030** was taken up, read by title a second time and ordered to a third reading.

HOUSE BILLS RECALLED

On motion of Senator Rauschenberger, **House Bill No. 390** was recalled from the order of third reading to the order of second reading.

Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 390 by replacing the title with the following:

"AN ACT concerning criminal background investigations."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Park District Code is amended by adding Section 8-23 as follows:

(70 ILCS 1205/8-23 new)

Sec. 8-23. Criminal background investigations.

(a) An applicant for employment with a park district is required as a condition of employment to authorize an investigation to determine if the applicant has been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has been convicted, within 7 years of the application for employment with the park district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the park district. Upon receipt of this authorization, the park district shall submit the applicant's name, sex, race, date of birth, and social security number to the Department of State Police on forms prescribed by the Department of State Police. The Department of State Police shall conduct an investigation to ascertain if the applicant being considered for employment has been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has been convicted, within 7 years of the application for employment with the park district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the

laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The Department of State Police shall charge the park district a fee for conducting the investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry. The applicant shall not be charged a fee by the park district for the investigation.

(b) The Department of State Police shall furnish, pursuant to positive identification, records of convictions, until expunged, to the president of the park district. Any information concerning the record of convictions obtained by the president shall be confidential and may only be transmitted to those persons who are necessary to the decision on whether to hire the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No park district shall knowingly employ a person who has been convicted for committing attempted first degree murder or for

committing or attempting to commit first degree murder, a Class X felony, or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no park district shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. No park district shall knowingly employ a person for whom a criminal background investigation has not been initiated.

Section 10. The Chicago Park District Act is amended by adding Section 16a-5 as follows:

(70 ILCS 1505/16a-5 new)

Sec. 16a-5. Criminal background investigations.

(a) An applicant for employment with the Chicago Park District is required as a condition of employment to authorize an investigation to determine if the applicant has been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has been convicted, within 7 years of the application for employment with the Chicago Park District, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the Chicago Park District. Upon receipt of this authorization, the Chicago Park District shall submit the applicant's name, sex, race, date of birth, and social security number to the Department of State Police on forms prescribed by the Department of State Police. The Department of State Police shall conduct an investigation to ascertain if the applicant being considered for employment has been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this

Section or has been convicted, within 7 years of the application for employment with the Chicago Park District, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The Department of State Police shall charge the Chicago Park District a fee for conducting the investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry. The applicant shall not be charged a fee by the Chicago Park District for the investigation.

(b) The Department of State Police shall furnish, pursuant to

positive identification, records of convictions, until expunged, to the president of the Chicago Park District. Any information concerning the record of convictions obtained by the president shall be confidential and may only be transmitted to those persons who are necessary to the decision on whether to hire the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) The Chicago Park District may not knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder, a Class X felony, or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, the Chicago Park District may not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. The Chicago Park District may not knowingly employ a person for whom a criminal background investigation has not been initiated.

Section 15. The School Code is amended by changing Sections 10-21.9 and 34-18.5 as follows:

(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

Sec. 10-21.9. Criminal background investigations.

(a) After August 1, 1985, certified and noncertified applicants for employment with a school district, except school bus driver applicants, are required as a condition of employment to authorize an investigation to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, a teacher

seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking

employment positions with more than one district, any such district may require the applicant to furnish authorization for the investigation to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth and social security number to the Department of State Police on forms prescribed by the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the investigation of the applicant has been requested. The Department of State Police shall conduct an investigation to ascertain if the applicant being considered for employment has been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such investigation by the school district or by the regional superintendent. The regional superintendent may seek reimbursement from the State Board of Education or the appropriate school district or districts for fees paid by the regional superintendent to the Department for the criminal background investigations required by this Section.

(b) The Department shall furnish, pursuant to positive identification, records of convictions, until expunged, to the president of the school board for the school district which requested the investigation, or to the regional superintendent who requested the investigation. Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the investigation was requested by the school district, the presidents of the appropriate school boards if the investigation was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. If an investigation of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon investigation ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7

years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute teacher in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own investigation of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No school board shall knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the "Criminal Code of 1961"; (ii) those defined in the "Cannabis Control Act" except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the "Illinois Controlled Substances Act"; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no school board shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) No school board shall knowingly employ a person for whom a criminal background investigation has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the appropriate regional superintendent of schools or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After January 1, 1990 the provisions of this Section shall

apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal background investigations on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any

such school district, be responsible for receiving the authorization for investigation prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.
(Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 89-610, eff. 8-6-96; 90-566, eff. 1-2-98.)

(105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

Sec. 34-18.5. Criminal background investigations.

(a) After August 1, 1985, certified and noncertified applicants for employment with the school district are required as a condition of employment to authorize an investigation to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, or a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the investigation to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth and social security number to the Department of State Police on forms prescribed by the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the investigation of the applicant has been

requested. The Department of State Police shall conduct an investigation to ascertain if the applicant being considered for employment has been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such investigation by the school district or by the regional superintendent. The regional superintendent may seek reimbursement from the State Board of Education or the appropriate school district or districts for fees paid by the regional superintendent to the Department for the criminal background

investigations required by this Section.

(b) The Department shall furnish, pursuant to positive identification, records of convictions, until expunged, to the president of the board of education for the school district which requested the investigation, or to the regional superintendent who requested the investigation. Any information concerning the record of convictions obtained by the president of the board of education or the regional superintendent shall be confidential and may only be transmitted to the general superintendent of the school district or his designee, the appropriate regional superintendent if the investigation was requested by the board of education for the school district, the presidents of the appropriate board of education or school boards if the investigation was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. If an investigation of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon investigation ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not

been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own investigation of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) The board of education shall not knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in

Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, the board of education shall not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) The board of education shall not knowingly employ a person for whom a criminal background investigation has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the board of education or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After March 19, 1990, the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal background investigations on employees of persons or firms holding contracts with more than one school district

and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for investigation prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.
(Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 89-610, eff. 8-6-96; 90-566, eff. 1-2-98.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

Senator Rauschenberger offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 390, AS AMENDED with page and line reference to Senate Amendment No. 1, on page 4, lines 31 and 33, by replacing "president" each time it appears with "General Superintendent and Chief Executive Officer".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 390**, as amended, was returned to the order of third reading.

On motion of Senator Cronin, **House Bill No. 730** was recalled from the order of third reading to the order of second reading.

Senator Geo-Karis offered the following amendment:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 730, AS AMENDED, with page and

line number references to Senate Amendment No. 1, on page 1, lines 15 and 16, by deleting "or reasonably should know".

Senator Cronin moved the adoption of the foregoing amendment.

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 730**, as amended, was returned to the order of third reading.

On motion of Senator Petka, **House Bill No. 1785** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1785 by replacing the title with the following:

"AN ACT concerning evidence."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Sexual Assault Survivors Emergency Treatment Act is amended by changing Sections 5 and 6.4 as follows:

(410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

Sec. 5. Minimum requirements for hospitals providing emergency service to sexual assault survivors.

(a) Every hospital providing emergency hospital services to an alleged sexual assault survivor under this Act shall, as minimum requirements for such services, provide, with the consent of the alleged sexual assault survivor, and as ordered by the attending physician, the following:

(1) appropriate medical examinations and laboratory tests required to ensure the health, safety, and welfare of an alleged sexual assault survivor or which may be used as evidence in a criminal proceeding against a person accused of the sexual assault, or both; and records of the results of such examinations and tests shall be maintained by the hospital and made available to law enforcement officials upon the request of the alleged sexual assault survivor;

(2) appropriate oral and written information concerning the possibility of infection, sexually transmitted disease and pregnancy resulting from sexual assault;

(3) appropriate oral and written information concerning accepted medical procedures, medication, and possible contraindications of such medication available for the prevention or treatment of infection or disease resulting from sexual assault;

(4) such medication as deemed appropriate by the attending physician;

(5) a blood test to determine the presence or absence of sexually transmitted disease;

(6) written and oral instructions indicating the need for a second blood test 6 weeks after the sexual assault to determine the presence or absence of sexually transmitted disease; and

(7) appropriate counseling as determined by the hospital, by trained personnel designated by the hospital.

(b) Any minor who is an alleged survivor of sexual assault who seeks emergency services under this Act shall be provided such services without the consent of the parent, guardian or custodian of the minor. ~~Only the minor's parent or legal guardian can sign for release of evidence and information concerning the alleged sexual assault.~~

[Apr. 6, 2000]

(Source: P.A. 85-577.)

(410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

Sec. 6.4. Sexual assault evidence collection program.

(a) There is created a statewide sexual assault evidence collection program to facilitate the prosecution of persons accused of sexual assault. This program shall be administered by the

Illinois State Police. The program shall consist of the following: (1) distribution of sexual assault evidence collection kits which have been approved by the Illinois State Police to hospitals that request them, or arranging for such distribution by the manufacturer of the kits, (2) collection of the kits from hospitals after the kits have been used to collect evidence, (3) analysis of the collected evidence and conducting of laboratory tests, and (4) maintaining the chain of custody and safekeeping of the evidence for use in a legal proceeding. The standardized evidence collection kit for the State of Illinois shall be the State Police Evidence Collection Kit, also known as "S.P.E.C.K.". A sexual assault evidence collection kit may not be released by a hospital without the written consent of the sexual assault survivor. In the case of a survivor who is a minor 13 years of age or older, evidence and information concerning the alleged sexual assault may be released at the written request of the minor. If the survivor is a minor who is under 13 years of age, evidence and information concerning the alleged sexual assault may be released at the written request of the parent, guardian, investigating law enforcement officer, or Department of Children and Family Services. Any health care professional, including any physician or nurse, and any health care institution, including any hospital, who provides evidence or information to a law enforcement officer pursuant to a written request as specified in this Section is immune from any civil or professional liability that might arise from those actions, with the exception of willful or wanton misconduct. The immunity provision applies only if all of the requirements of this Section are met. ~~A sexual assault evidence collection kit may not be released by a hospital without the written consent of the sexual assault survivor or, in the case of a minor, the written consent of the minor's parent or legal guardian.~~

(b) The Illinois State Police shall administer a program to train hospitals and hospital personnel participating in the sexual assault evidence collection program, in the correct use and application of the sexual assault evidence collection kits. The Department of Public Health shall cooperate with the Illinois State Police in this program as it pertains to medical aspects of the evidence collection.

(Source: P.A. 89-246, eff. 8-4-95; 89-507, eff. 7-1-97; 90-587, eff. 7-1-98.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1785**, as amended, was returned to the order of third reading.

On motion of Senator Sullivan, **House Bill No. 1992** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1992 on page 1, by inserting

below line 10 the following:

"Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1992**, as amended, was returned to the order of third reading.

On motion of Senator Klemm, **House Bill No. 2261** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was tabled in the Committee on Local Government.

Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2261 on page 1, lines 2 and 6, by replacing "Section 4" each time it appears with "Sections 4 and 7"; and

on page 4, by inserting below line 22 the following:

"(70 ILCS 530/7) (from Ch. 85, par. 7157)

Sec. 7. Bonds.

(a) The Authority, with the written approval of the Governor, shall have the continuing power to issue bonds, notes, or other evidences of indebtedness in an aggregate amount not to exceed $250,000,000 ~~$100,000,000~~ for the purpose of developing, constructing, acquiring or improving projects, including those established by business entities locating or expanding property within the territorial jurisdiction of the Authority, for entering into venture capital agreements with businesses locating or expanding within the territorial jurisdiction of the Authority, for acquiring and improving any property necessary and useful in connection therewith and for the purposes of the Employee Ownership Assistance Act. For the purpose of evidencing the obligations of the Authority to repay any money borrowed, the Authority may, pursuant to resolution, from time to time issue and dispose of its interest bearing revenue bonds, notes or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes or other evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any bonds, notes or other evidences of indebtedness pursuant to redemption provisions or at any time before maturity. All such bonds, notes or other evidences of indebtedness shall be payable solely and only from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects or from any other funds available to the Authority for such purposes. The bonds, notes or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by "An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as amended, may be in such form, may carry

such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants as may be provided by an applicable resolution.

[Apr. 6, 2000]

(b-1) The holder or holders of any bonds, notes or other evidences of indebtedness issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of such bonds, notes or other evidences of indebtedness, to compel such corporation, person, the Authority and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of any such bonds, notes or other evidences of indebtedness by the provision of the resolution authorizing their issuance and to enjoin such corporation, person, the Authority and any of its agents or employees from taking any action in conflict with any such contract or covenant.

(b-2) If the Authority fails to pay the principal of or interest on any of the bonds or premium, if any, as the same become due, a civil action to compel payment may be instituted in the appropriate circuit court by the holder or holders of the bonds on which such default of payment exists or by an indenture trustee acting on behalf of such holders. Delivery of a summons and a copy of the complaint to the Chairman of the Board shall constitute sufficient service to give the circuit court jurisdiction of the subject matter of such a suit and jurisdiction over the Authority and its officers named as defendants for the purpose of compelling such payment. Any case, controversy or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois.

(c) Notwithstanding the form and tenor of any such bonds, notes or other evidences of indebtedness and in the absence of any express recital on the face thereof that it is non-negotiable, all such bonds, notes and other evidences of indebtedness shall be negotiable instruments. Pending the preparation and execution of any such bonds, notes or other evidences of indebtedness, temporary bonds, notes or evidences of indebtedness may be issued as provided by ordinance.

(d) To secure the payment of any or all of such bonds, notes or other evidences of indebtedness, the revenues to be received by the Authority from a lease agreement or loan agreement shall be pledged, and, for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance thereof and the issuance of any additional bonds, notes or other evidences of indebtedness payable from such revenues, income or other funds to be derived from projects, the Authority may execute and deliver a mortgage or trust agreement. A remedy for any breach or default of the terms of any such mortgage or trust agreement by the Authority may be by mandamus proceedings in the appropriate circuit court to compel the performance and compliance therewith, but the trust

agreement may prescribe by whom or on whose behalf such action may be instituted.

(e) Such bonds or notes shall be secured as provided in the authorizing ordinance which may, notwithstanding any other provision of this Act, include in addition to any other security a specific pledge or assignment of and lien on or security interest in any or all revenues or money of the Authority from whatever source which may by law be used for debt service purposes and a specific pledge or assignment of and lien on or security interest in any funds or accounts established or provided for by ordinance of the Authority authorizing the issuance of such bonds or notes.

(f) In the event that the Authority determines that monies of the Authority will not be sufficient for the payment of the principal of and interest on its bonds during the next State fiscal year, the Chairman, as soon as practicable, shall certify to the Governor the

amount required by the Authority to enable it to pay such principal of and interest on the bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year. This Section shall not apply to any bonds or notes as to which the Authority shall have determined, in the resolution authorizing the issuance of the bonds or notes, that this Section shall not apply. Whenever the Authority makes such a determination, that fact shall be plainly stated on the face of the bonds or notes and that fact shall also be reported to the Governor.

In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds of the Authority to pay principal or interest on those bonds, the Chairman of the Authority, as soon as practicable, shall certify to the Governor the amount required to restore the reserve fund to the level required in the resolution or indenture securing those bonds. The Governor shall submit the amount so certified to the General Assembly as soon as practicable, but no later than the end of the current State fiscal year.

(g) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with such holders or in any way impair the rights and remedies of such holders until such bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(h) Not less than 30 days prior to the commitment to issue bonds, notes, or other evidences of indebtedness for the purpose of developing, constructing, acquiring or improving housing or residential projects, as defined in Section 3, the Authority shall provide notice to the Executive Director of the Illinois Housing Development Authority. Within 30 days after notice is provided, the Illinois Housing Development Authority shall either in writing express interest in financing the project or notify the Authority that it is not interested in providing such financing and the Authority may finance the project or seek alternative financing.
(Source: P.A. 86-1024; 86-1313; 87-158; 87-778.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 2261**, as amended, was returned to the order of third reading.

On motion of Senator Philip, **House Bill No. 2884** was recalled from the order of third reading to the order of second reading.

Senator Philip offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2884, AS AMENDED, in the title, by deleting ", amending certain named Acts"; and
by replacing everything after the enacting clause with the following:

"Section 5. The Bingo License and Tax Act is amended by changing Section 2 as follows:

(230 ILCS 25/2) (from Ch. 120, par. 1102)

Sec. 2. The conducting of bingo is subject to the following restrictions:

(1) The entire net proceeds from bingo play must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(2) (Blank). ~~No person except a bona fide member of the sponsoring organization or a bona fide member of an auxiliary organization, substantially all of whose members are spouses of members of the sponsoring organization may participate in the management or operation of the game.~~

(3) No person may receive any remuneration or profit for participating in the management or operation of the game, except that if an organization licensed under this Act is associated with a school or other educational institution, that school or institution may reduce tuition or fees for a designated pupil based on participation in the management or operation of the game by any member of the organization. The extent to which tuition and fees are reduced shall relate proportionately to the amount of time volunteered by the member, as determined by the school or other educational institution.

(4) The aggregate retail value of all prizes or merchandise awarded in any single day of bingo may not exceed $2,250, except that in adjoining counties having 200,000 to 275,000 inhabitants each, and in counties which are adjacent to either of such adjoining counties and are adjacent to a total of not more than 2 counties in this State, and in any municipality having 2,500 or more inhabitants and within one mile of such adjoining and adjacent counties having less than 25,000 inhabitants, 2 additional bingo games may be conducted after the $2,250 limit has been reached. The prize awarded for any one game, including any game conducted after reaching the $2,250 limit as authorized in this paragraph (4), may not exceed $500 cash or its equivalent.

(5) The number of games may not exceed 25 in any one day including regular and special games, except that this restriction on the number of games shall not apply to bingo conducted at the Illinois State Fair or any county fair held in Illinois.

(6) The price paid for a single card under the license may not exceed $1 and such card is valid for all regular games on that day of bingo. A maximum of 5 special games may be held on each bingo day, except that this restriction on the number of special games shall not apply to bingo conducted at the Illinois State Fair or any county fair held in Illinois. The price for a single special game card may not exceed 50 cents.

(7) The number of bingo days conducted by a licensee under this Act is limited to one per week, except as follows:

(i) Bingo may be conducted in accordance with the terms of a special operator's permit or limited license issued under subdivision (3) of Section 1.

(ii) Bingo may be conducted at the Illinois State Fair or any county fair held in Illinois under subdivision (3) of Section 1.

(iii) A licensee which cancels a day of bingo because of inclement weather or because the day is a holiday or the eve of a

holiday may, after giving notice to the Department, conduct bingo on an additional date which falls on a day of the week other than the day authorized under the license. As used in this subdivision (iii), "holiday" means any of the holidays listed in Section 17 of the Promissory Note and Bank Holiday Act.

(8) A licensee may rent a premises on which to conduct bingo only from an organization which is licensed as a provider of premises or exempt from license requirements under this Act. If the organization providing the premises is a metropolitan exposition, auditorium, and office building authority created by State law, a licensee may enter into a rental agreement with the organization authorizing the licensee and the organization to share the gross proceeds of bingo games; however, the organization shall not receive more than 50% of the gross proceeds.

(9) No person under the age of 18 years may play or participate in the conducting of bingo. Any person under the age of 18 years may be within the area where bingo is being played only when accompanied by his parent or guardian.

(10) The promoter of bingo games must have a proprietary interest in the game promoted.

(11) Raffles or other forms of gambling prohibited by law shall not be conducted on the premises where bingo is being conducted, except that pull tabs and jar games conducted under the Illinois Pull Tabs and Jar Games Act may be conducted on the premises where bingo is being conducted. Prizes awarded in pull tabs and jar games shall not be included in the bingo prize limitation.

(12) An organization holding a special operator's permit or a limited license may, as one of the occasions allowed by such permit or license, conduct bingo for a maximum of 2 consecutive days, during each day of which the number of games may exceed 25, and regular game cards need not be valid for all regular games. If only noncash prizes are awarded during such occasions, the prize limits stated in paragraph (4) of this Section shall not apply, provided that the retail value of noncash prizes for any single game shall not exceed $150.

(Source: P.A. 87-220; 87-1175; 88-53.)".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 2884**, as amended, was returned to the order of third reading.

On motion of Senator Cronin, **House Bill No. 2980** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 3 was held in the Committee on Rules.

Senator R. Madigan offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 2980, AS AMENDED, by replacing the title with the following:

"AN ACT in relation to medical care savings accounts."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Medical Care Savings Account Act of 2000.

Section 3. Programs under prior Act. Programs established under the Medical Care Savings Account Act are subject to and shall be governed by this Act.

Section 5. Definitions. In this Act:

"Account administrator" means any of the following:

(1) A national or state chartered bank, a federal or state chartered savings and loan association, a federal or state chartered savings bank, or a federal or state chartered credit union.

(2) A trust company authorized to act as a fiduciary.

(3) An insurance company authorized to do business in this State under the Illinois Insurance Code or a health maintenance organization authorized to do business in this State under the Health Maintenance Organization Act.

(4) A dealer, salesperson, or investment adviser registered under the Illinois Securities Law of 1953.

(5) An administrator as defined in Section 511.101 of the Illinois Insurance Code who is licensed under Article XXXI 1/4 of that Code.

(6) A certified public accountant registered under the Illinois Public Accounting Act.

(7) An attorney licensed to practice in this State.

(8) An employer, if the employer has a self-insured health plan under the federal Employee Retirement Income Security Act of 1974 (ERISA).

(9) An employer that participates in the medical care savings account program.

"Deductible" means the total deductible for an employee and all the dependents of that employee for a calendar year.

"Dependent" means the spouse of the employee or a child of the employee if the child is any of the following:

(1) Under 19 years of age, or under 23 years of age and enrolled as a full-time student at an accredited college or university.

(2) Legally entitled to the provision of proper or necessary subsistence, education, medical care, or other care necessary for his or her health, guidance, or well-being and not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States.

(3) Mentally or physically incapacitated to the extent that he or she is not self-sufficient.

"Domicile" means a place where an individual has his or her true, fixed, and permanent home and principal establishment, to which, whenever absent, he or she intends to return. Domicile continues until another permanent home or principal establishment is established.

"Eligible medical expense" means an expense paid by the taxpayer for medical care described in Section 213(d) of the Internal Revenue Code.

"Employee" means the individual for whose benefit or for the benefit of whose dependents a medical care savings account is established. Employee includes a self-employed individual.

"Higher deductible" means a deductible subject to a minimum and maximum established for 1999 by the Department of Revenue under the Medical Care Savings Account Act. The minimum and maximum shall be adjusted for 2000 and annually thereafter by the Department of Revenue to reflect increases in the consumer price index for the United States as defined and officially reported by the United States Department of Labor.

"Medical care savings account" or "account" means an account established in this State pursuant to a medical care savings account program to pay the eligible medical expenses of an employee and his or her dependents.

"Medical care savings account program" or "program" means a program that includes all of the following:

(1) The purchase by an employer of a qualified higher deductible health plan for the benefit of an employee and his or her dependents.

(2) The contribution on behalf of an employee into a medical care savings account by his or her employer of all or part of the premium differential realized by the employer based on the purchase of a qualified higher deductible health plan for the benefit of the employee. An employer that did not previously provide a health coverage policy, certificate, or contract for his or her employees may contribute all or part of the deductible of the plan purchased pursuant to paragraph (1). A contribution under this paragraph may not exceed the maximum amounts established for 1999 by the Department of Revenue for 2 taxpayers filing a joint return, if each taxpayer has a medical care savings account but neither is covered by the other's health coverage, and for all other cases. The maximum amounts shall be adjusted for 2000 and annually thereafter by the Department of Revenue to reflect increases in the consumer price index for the United States as defined and officially reported by the United States Department of Labor.

(3) An account administrator to administer the medical care savings account from which payment of claims is made. Not more than 30 days after an account administrator begins to administer an account, the administrator shall notify in writing each employee on whose behalf the administrator administers an account of the date of the last business day of the administrator's business year.

"Qualified higher deductible health plan" means a health coverage policy, certificate, or contract that provides for payments for covered benefits that exceed the higher deductible and that is purchased by an employer for the benefit of an employee for whom the employer makes deposits into a medical care savings account.

Section 10. Program offer; tax treatment.

(a) For tax years ending on or after December 31, 2000, an employer, except as otherwise provided by statute, contract, or a collective bargaining agreement, may offer a medical care savings account program to the employer's employees.

(b) Before making any contribution to an account, an employer that offers a medical care savings account program shall inform all its employees in writing of the federal tax status of contributions made pursuant to this Act.

(c) Except as provided in Section 20, principal contributed to and interest earned on a medical care savings account and money reimbursed to an employee for eligible medical expenses are exempt from taxation under the Illinois Income Tax Act as provided in that Act.

Section 15. Use of account moneys.

(a) The account administrator shall utilize the moneys held in a medical care savings account solely for the purpose of paying the medical expenses of the employee or his or her dependents or to purchase a health coverage policy, certificate, or contract if the employee does not otherwise have health insurance coverage. Moneys held in a medical care savings account may not be used to cover medical expenses of the employee or his or her dependents that are otherwise covered, including but not limited to medical expenses covered pursuant to an automobile insurance policy, workers' compensation insurance policy or self-insured plan, or another health

coverage policy, certificate, or contract.

(b) The employee may submit documentation of medical expenses paid by the employee in the tax year to the account administrator,

and the account administrator shall reimburse the employee from the employee's account for eligible medical expenses.

(c) If an employer makes contributions to a medical care savings account program on a periodic installment basis, the employer may advance to an employee, interest free, an amount necessary to cover medical expenses incurred that exceed the amount in the employee's medical care savings account when the expense is incurred if the employee agrees to repay the advance from future installments or when he or she ceases to be an employee of the employer.

Section 20. Withdrawals from account.

(a) Notwithstanding subsection (b) and subject to subsection (c), an employee may withdraw money from his or her medical care savings account for any purpose other than a purpose described in subsection (a) of Section 15 only on the last business day of the account administrator's business year. Money withdrawn pursuant to this subsection is income for purposes of the Illinois Income Tax Act in the taxable year of the withdrawal, as provided in that Act.

(b) Subject to subsection (c), if the employee withdraws money for any purpose other than a purpose described in subsection (a) of Section 15 at any other time, all of the following apply:

(1) The amount of the withdrawal is income for purposes of the Illinois Income Tax Act in the taxable year of the withdrawal, as provided in that Act.

(2) The administrator shall withhold and on behalf of the employee shall pay a penalty to the Department of Revenue equal to 10% of the amount of the withdrawal.

(3) Interest earned on the account during the taxable year in which a withdrawal under this subsection is made is income for purposes of the Illinois Income Tax Act, as provided in that Act.

(c) The amount of a disbursement of any assets of a medical care savings account pursuant to a filing for protection under Title 11 of the United States Code, 11 U.S.C. 101 to 1330, by an employee or person for whose benefit the account was established is not considered a withdrawal for purposes of this Section. The amount of a disbursement is not subject to taxation under the Illinois Income Tax Act, and subsection (b) does not apply.

(d) Upon the death of the employee, the account administrator shall distribute the principal and accumulated interest of the medical care savings account to the estate of the employee.

(e) If (i) an employee is no longer employed by an employer that participates in a medical care savings account program, (ii) the employee, not more than 60 days after his or her final day of employment, transfers the account to a new account administrator or requests in writing to the former employer's account administrator that the account remain with that administrator, and (iii) that account administrator agrees to retain the account, then the money in the medical care savings account may be utilized for the benefit of the employee or his or her dependents subject to this Act and remains

exempt from taxation pursuant to this Act. Not more than 30 days after the expiration of the 60 days, if an account administrator has not accepted the former employee's account, the employer shall mail a check to the former employee, at the employee's last known address, for an amount equal to the amount in the account on that day, and that amount is subject to taxation pursuant to subsection (a) of this Section but is not subject to the penalty under paragraph (2) of subsection (b) of this Section. If an employee becomes employed with a different employer that participates in a medical care savings account program, the employee may transfer his or her medical care savings account to that new employer's account administrator.

Section 30. Administrator; fiduciary duty. An account

administrator shall discharge his or her duties as a fiduciary in a manner consistent with the fiduciary standards required by 29 U.S.C 1104 and shall not engage in any self-dealing transactions in the investment of account assets.

Section 85. Repealer. This Act is repealed on January 1, 2010.

Section 90. The Illinois Income Tax Act is amended by changing Section 203 as follows:

(35 ILCS 5/203) (from Ch. 120, par. 2-203)

Sec. 203. Base income defined.

(a) Individuals.

(1) In general. In the case of an individual, base income means an amount equal to the taxpayer's adjusted gross income for the taxable year as modified by paragraph (2).

(2) Modifications. The adjusted gross income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of adjusted gross income, except stock dividends of qualified public utilities described in Section 305(e) of the Internal Revenue Code;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of adjusted gross income for the taxable year;

(C) An amount equal to the amount received during the taxable year as a recovery or refund of real property taxes paid with respect to the taxpayer's principal residence under the Revenue Act of 1939 and for which a deduction was previously taken under subparagraph (L) of this paragraph (2) prior to July 1, 1991, the retrospective application date of Article 4 of Public Act 87-17. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes for the entire property which is attributable to such principal residence;

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of

adjusted gross income;

(D-5) An amount, to the extent not included in adjusted gross income, equal to the amount of money withdrawn by the taxpayer in the taxable year from a medical care savings account and the interest earned on the account in the taxable year of a withdrawal pursuant to subsection (b) of Section 20 of the Medical Care Savings Account Act or subsection (b) of Section 20 of the Medical Care Savings Account Act of 2000; and

(D-10) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the individual deducted in computing adjusted gross income and for which the individual claims a credit under subsection (l) of Section 201;

and by deducting from the total so obtained the sum of the following amounts:

(E) Any amount included in such total in respect of any compensation (including but not limited to any compensation paid or accrued to a serviceman while a prisoner of war or missing in action) paid to a resident by reason of being on active duty in the Armed Forces of the

United States and in respect of any compensation paid or accrued to a resident who as a governmental employee was a prisoner of war or missing in action, and in respect of any compensation paid to a resident in 1971 or thereafter for annual training performed pursuant to Sections 502 and 503, Title 32, United States Code as a member of the Illinois National Guard;

(F) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the Internal Revenue Code, or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(G) The valuation limitation amount;

(H) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(I) An amount equal to all amounts included in such total pursuant to the provisions of Section 111 of the Internal Revenue Code as a recovery of items previously deducted from adjusted gross income in the computation of taxable income;

(J) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, and conducts

substantially all of its operations in an Enterprise Zone or zones;

(K) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (J) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (K);

(L) For taxable years ending after December 31, 1983, an amount equal to all social security benefits and railroad retirement benefits included in such total pursuant to Sections 72(r) and 86 of the Internal Revenue Code;

(M) With the exception of any amounts subtracted under subparagraph (N), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999 ~~the effective date of this amendatory Act of the 91st General Assembly~~, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(N) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the

Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(O) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986;

(Q) An amount equal to any amounts included in such total, received by the taxpayer as an acceleration in the payment of life, endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for a terminal illness;

(R) An amount equal to the amount of any federal or State bonus paid to veterans of the Persian Gulf War;

(S) An amount, to the extent included in adjusted

gross income, equal to the amount of a contribution made in the taxable year on behalf of the taxpayer to a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 to the extent the contribution is accepted by the account administrator as provided in that Act;

(T) An amount, to the extent included in adjusted gross income, equal to the amount of interest earned in the taxable year on a medical care savings account established under the Medical Care Savings Account Act or the Medical Care Savings Account Act of 2000 on behalf of the taxpayer, other than interest added pursuant to item (D-5) of this paragraph (2);

(U) For one taxable year beginning on or after January 1, 1994, an amount equal to the total amount of tax imposed and paid under subsections (a) and (b) of Section 201 of this Act on grant amounts received by the taxpayer under the Nursing Home Grant Assistance Act during the taxpayer's taxable years 1992 and 1993;

(V) Beginning with tax years ending on or after December 31, 1995 and ending with tax years ending on or before December 31, 2004, an amount equal to the amount paid by a taxpayer who is a self-employed taxpayer, a partner of a partnership, or a shareholder in a Subchapter S corporation for health insurance or long-term care insurance for that taxpayer or that taxpayer's spouse or dependents, to the extent that the amount paid for that health insurance or long-term care insurance may be deducted under Section 213 of the Internal Revenue Code of 1986, has not been deducted on the federal income tax return of the taxpayer, and does not exceed the taxable income attributable to that taxpayer's income, self-employment income, or Subchapter S corporation income; except that no deduction shall be allowed under this item (V) if the taxpayer is eligible to participate in any health insurance or long-term care insurance plan of an employer of the taxpayer or the taxpayer's spouse. The amount of the health insurance and long-term care insurance subtracted under this item (V) shall be determined by multiplying total health insurance

and long-term care insurance premiums paid by the taxpayer times a number that represents the fractional percentage of eligible medical expenses under Section 213 of the Internal Revenue Code of 1986 not actually deducted on the taxpayer's federal income tax return;

(W) For taxable years beginning on or after January 1, 1998, all amounts included in the taxpayer's federal gross income in the taxable year from amounts converted from a regular IRA to a Roth IRA. This paragraph is exempt from the provisions of Section 250; and

(X) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent

includible in gross income for federal income tax purposes, made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250.

(b) Corporations.

(1) In general. In the case of a corporation, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest and all distributions received from regulated investment companies during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(C) In the case of a regulated investment company, an amount equal to the excess of (i) the net long-term capital gain for the taxable year, over (ii) the amount of the capital gain dividends designated as such in accordance with Section 852(b)(3)(C) of the Internal Revenue Code and any

amount designated under Section 852(b)(3)(D) of the Internal Revenue Code, attributable to the taxable year (this amendatory Act of 1995 (Public Act 89-89) is declarative of

existing law and is not a new enactment);

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such earlier taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year; and

(E-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the corporation deducted in computing adjusted gross income and for which the corporation claims a credit under subsection (l) of Section 201;

and by deducting from the total so obtained the sum of the following amounts:

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to any amount included in such total under Section 78 of the Internal Revenue Code;

(H) In the case of a regulated investment company, an amount equal to the amount of exempt interest dividends as defined in subsection (b) (5) of Section 852 of the Internal Revenue Code, paid to shareholders for the taxable year;

(I) With the exception of any amounts subtracted under subparagraph (J), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(a)(2) and amounts disallowed as interest expense by Section 291(a)(3) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(a)(1)

of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999 ~~the effective date of this amendatory Act of the 91st General Assembly~~, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(J) An amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or zones;

(L) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph 2 of this subsection shall not be eligible for the deduction provided under this subparagraph (L);

(M) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the Enterprise Zone Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(h) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(h) investment credit property which secures the loan or loans, using for this purpose the original basis of such property on the date that it was placed in service in the Enterprise Zone. The subtraction modification available to taxpayer in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(M-1) For any taxpayer that is a financial organization within the meaning of Section 304(c) of this Act, an amount included in such total as interest income

from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the High Impact Business Investment Credit. To determine the portion of a loan or loans that is secured by property eligible for a Section 201(i) investment credit to the borrower, the entire principal amount of the loan or loans between the taxpayer and the borrower should be divided into the basis of the Section 201(i) investment credit property which secures the loan or loans, using for

this purpose the original basis of such property on the date that it was placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois. No taxpayer that is eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall be eligible for the deduction provided under this subparagraph (M-1). The subtraction modification available to taxpayers in any year under this subsection shall be that portion of the total interest paid by the borrower with respect to such loan attributable to the eligible property as calculated under the previous sentence;

(N) Two times any contribution made during the taxable year to a designated zone organization to the extent that the contribution (i) qualifies as a charitable contribution under subsection (c) of Section 170 of the Internal Revenue Code and (ii) must, by its terms, be used for a project approved by the Department of Commerce and Community Affairs under Section 11 of the Illinois Enterprise Zone Act;

(O) An amount equal to: (i) 85% for taxable years ending on or before December 31, 1992, or, a percentage equal to the percentage allowable under Section 243(a)(1) of the Internal Revenue Code of 1986 for taxable years ending after December 31, 1992, of the amount by which dividends included in taxable income and received from a corporation that is not created or organized under the laws of the United States or any state or political subdivision thereof, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this subsection (b) which is related to such dividends; plus (ii) 100% of the amount by which dividends, included in taxable income and received, including, for taxable years ending on or after December 31, 1988, dividends received or deemed received or paid or deemed paid under Sections 951 through 964 of the Internal Revenue Code, from any such corporation specified in clause (i) that would but for the provisions of Section 1504 (b) (3) of the Internal Revenue Code be treated as a member of the affiliated group which includes the dividend recipient, exceed the amount of the modification provided under subparagraph (G) of paragraph (2) of this

subsection (b) which is related to such dividends;

(P) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(Q) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986; and

(R) In the case of an attorney-in-fact with respect to whom an interinsurer or a reciprocal insurer has made the election under Section 835 of the Internal Revenue Code, 26 U.S.C. 835, an amount equal to the excess, if any, of the amounts paid or incurred by that interinsurer or reciprocal insurer in the taxable year to the attorney-in-fact over the deduction allowed to that interinsurer or reciprocal insurer with respect to the attorney-in-fact under Section 835(b) of the Internal Revenue Code for the taxable year.

[Apr. 6, 2000]

(3) Special rule. For purposes of paragraph (2) (A), "gross income" in the case of a life insurance company, for tax years ending on and after December 31, 1994, shall mean the gross investment income for the taxable year.

(c) Trusts and estates.

(1) In general. In the case of a trust or estate, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. Subject to the provisions of paragraph (3), the taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) In the case of (i) an estate, $600; (ii) a trust which, under its governing instrument, is required to distribute all of its income currently, $300; and (iii) any other trust, $100, but in each such case, only to the extent such amount was deducted in the computation of taxable income;

(C) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income in the computation of taxable income for the taxable year;

(D) The amount of any net operating loss deduction taken in arriving at taxable income, other than a net operating loss carried forward from a taxable year ending prior to December 31, 1986;

(E) For taxable years in which a net operating loss carryback or carryforward from a taxable year ending prior to December 31, 1986 is an element of taxable income under paragraph (1) of subsection (e) or subparagraph (E) of paragraph (2) of subsection (e), the amount by which

addition modifications other than those provided by this subparagraph (E) exceeded subtraction modifications in such taxable year, with the following limitations applied in the order that they are listed:

(i) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall be reduced by the amount of addition modification under this subparagraph (E) which related to that net operating loss and which was taken into account in calculating the base income of an earlier taxable year, and

(ii) the addition modification relating to the net operating loss carried back or forward to the taxable year from any taxable year ending prior to December 31, 1986 shall not exceed the amount of such carryback or carryforward;

For taxable years in which there is a net operating loss carryback or carryforward from more than one other taxable year ending prior to December 31, 1986, the addition modification provided in this subparagraph (E) shall be the sum of the amounts computed independently under the preceding provisions of this subparagraph (E) for each such taxable year;

(F) For taxable years ending on or after January 1, 1989, an amount equal to the tax deducted pursuant to Section 164 of the Internal Revenue Code if the trust or

estate is claiming the same tax for purposes of the Illinois foreign tax credit under Section 601 of this Act;

(G) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income; and

(G-5) For taxable years ending after December 31, 1997, an amount equal to any eligible remediation costs that the trust or estate deducted in computing adjusted gross income and for which the trust or estate claims a credit under subsection (l) of Section 201;

and by deducting from the total so obtained the sum of the following amounts:

(H) An amount equal to all amounts included in such total pursuant to the provisions of Sections 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the Internal Revenue Code or included in such total as distributions under the provisions of any retirement or disability plan for employees of any governmental agency or unit, or retirement payments to retired partners, which payments are excluded in computing net earnings from self employment by Section 1402 of the Internal Revenue Code and regulations adopted pursuant thereto;

(I) The valuation limitation amount;

(J) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(K) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C), (D), (E), (F) and (G) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(L) With the exception of any amounts subtracted under subparagraph (K), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2) and 265(a)(2) of the Internal Revenue Code, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code of 1954, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999 ~~the effective date of this amendatory Act of the 91st General Assembly~~, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(M) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act and conducts substantially all of its operations in an Enterprise Zone or Zones;

(N) An amount equal to any contribution made to a job training project established pursuant to the Tax Increment Allocation Redevelopment Act;

(O) An amount equal to those dividends included in

such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (M) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (O);

(P) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986; and

(Q) For taxable year 1999 and thereafter, an amount equal to the amount of any (i) distributions, to the extent includible in gross income for federal income tax purposes,

made to the taxpayer because of his or her status as a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim and (ii) items of income, to the extent includible in gross income for federal income tax purposes, attributable to, derived from or in any way related to assets stolen from, hidden from, or otherwise lost to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime immediately prior to, during, and immediately after World War II, including, but not limited to, interest on the proceeds receivable as insurance under policies issued to a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime by European insurance companies immediately prior to and during World War II; provided, however, this subtraction from federal adjusted gross income does not apply to assets acquired with such assets or with the proceeds from the sale of such assets; provided, further, this paragraph shall only apply to a taxpayer who was the first recipient of such assets after their recovery and who is a victim of persecution for racial or religious reasons by Nazi Germany or any other Axis regime or as an heir of the victim. The amount of and the eligibility for any public assistance, benefit, or similar entitlement is not affected by the inclusion of items (i) and (ii) of this paragraph in gross income for federal income tax purposes. This paragraph is exempt from the provisions of Section 250.

(3) Limitation. The amount of any modification otherwise required under this subsection shall, under regulations prescribed by the Department, be adjusted by any amounts included therein which were properly paid, credited, or required to be distributed, or permanently set aside for charitable purposes pursuant to Internal Revenue Code Section 642(c) during the taxable year.

(d) Partnerships.

(1) In general. In the case of a partnership, base income means an amount equal to the taxpayer's taxable income for the taxable year as modified by paragraph (2).

(2) Modifications. The taxable income referred to in paragraph (1) shall be modified by adding thereto the sum of the following amounts:

(A) An amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income;

(B) An amount equal to the amount of tax imposed by this Act to the extent deducted from gross income for the taxable year;

(C) The amount of deductions allowed to the partnership pursuant to Section 707 (c) of the Internal Revenue Code in calculating its taxable income; and

(D) An amount equal to the amount of the capital gain deduction allowable under the Internal Revenue Code, to the extent deducted from gross income in the computation of taxable income;

and by deducting from the total so obtained the following amounts:

(E) The valuation limitation amount;

(F) An amount equal to the amount of any tax imposed by this Act which was refunded to the taxpayer and included in such total for the taxable year;

(G) An amount equal to all amounts included in taxable income as modified by subparagraphs (A), (B), (C) and (D) which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization;

(H) Any income of the partnership which constitutes personal service income as defined in Section 1348 (b) (1) of the Internal Revenue Code (as in effect December 31, 1981) or a reasonable allowance for compensation paid or accrued for services rendered by partners to the partnership, whichever is greater;

(I) An amount equal to all amounts of income distributable to an entity subject to the Personal Property Tax Replacement Income Tax imposed by subsections (c) and (d) of Section 201 of this Act including amounts distributable to organizations exempt from federal income tax by reason of Section 501(a) of the Internal Revenue Code;

(J) With the exception of any amounts subtracted under subparagraph (G), an amount equal to the sum of all amounts disallowed as deductions by (i) Sections 171(a) (2), and 265(2) of the Internal Revenue Code of 1954, as now or hereafter amended, and all amounts of expenses allocable to interest and disallowed as deductions by Section 265(1) of the Internal Revenue Code, as now or hereafter amended; and (ii) for taxable years ending on or after August 13, 1999 ~~the effective date of this amendatory Act of the 91st General Assembly~~, Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the Internal Revenue Code; the provisions of this subparagraph are exempt from the provisions of Section 250;

(K) An amount equal to those dividends included in such total which were paid by a corporation which conducts business operations in an Enterprise Zone or zones created under the Illinois Enterprise Zone Act, enacted by the 82nd General Assembly, and which does not conduct such operations other than in an Enterprise Zone or Zones;

(L) An amount equal to any contribution made to a job training project established pursuant to the Real Property Tax Increment Allocation Redevelopment Act;

(M) An amount equal to those dividends included in such total that were paid by a corporation that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone and that is designated a High Impact Business located in Illinois; provided that dividends eligible for the deduction provided in subparagraph (K) of paragraph (2) of this subsection shall not be eligible for the deduction provided under this subparagraph (M); and

(N) An amount equal to the amount of the deduction used to compute the federal income tax credit for restoration of substantial amounts held under claim of right for the taxable year pursuant to Section 1341 of the Internal Revenue Code of 1986.

(e) Gross income; adjusted gross income; taxable income.

(1) In general. Subject to the provisions of paragraph (2) and subsection (b) (3), for purposes of this Section and Section 803(e), a taxpayer's gross income, adjusted gross income, or taxable income for the taxable year shall mean the amount of gross income, adjusted gross income or taxable income properly reportable for federal income tax purposes for the taxable year under the provisions of the Internal Revenue Code. Taxable income may be less than zero. However, for taxable years ending on or after December 31, 1986, net operating loss carryforwards from taxable years ending prior to December 31, 1986, may not exceed the sum of federal taxable income for the taxable year before net operating loss deduction, plus the excess of addition modifications over subtraction modifications for the taxable year. For taxable years ending prior to December 31, 1986, taxable income may never be an amount in excess of the net operating loss for the taxable year as defined in subsections (c) and (d) of Section 172 of the Internal Revenue Code, provided that when taxable income of a corporation (other than a Subchapter S corporation), trust, or estate is less than zero and addition modifications, other than those provided by subparagraph (E) of paragraph (2) of subsection (b) for corporations or subparagraph (E) of paragraph (2) of subsection (c) for trusts and estates, exceed subtraction modifications, an addition modification must be made under those subparagraphs for any other taxable year to which the taxable income less than zero (net operating loss) is applied under Section 172 of the Internal Revenue Code or under subparagraph (E) of paragraph (2) of this subsection (e) applied in conjunction with Section 172 of the Internal Revenue Code.

(2) Special rule. For purposes of paragraph (1) of this subsection, the taxable income properly reportable for federal income tax purposes shall mean:

(A) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by Section 801 of the Internal Revenue Code, life insurance company taxable income, plus the amount of distribution from pre-1984 policyholder surplus accounts as calculated under Section 815a of the Internal Revenue Code;

(B) Certain other insurance companies. In the case of mutual insurance companies subject to the tax imposed by

Section 831 of the Internal Revenue Code, insurance company taxable income;

(C) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by Section 852 of the Internal Revenue Code, investment company taxable income;

(D) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by Section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(E) Consolidated corporations. In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, taxable income determined as if such corporation had filed a separate return for federal income tax purposes for the taxable year and each preceding taxable year for which it was a member of an affiliated group. For purposes of this subparagraph, the taxpayer's separate taxable income shall be determined as if the election provided by Section 243(b) (2) of the Internal Revenue Code had been in effect for all such years;

(F) Cooperatives. In the case of a cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of Section 1381 through 1388 of the Internal Revenue Code;

(G) Subchapter S corporations. In the case of: (i) a Subchapter S corporation for which there is in effect an election for the taxable year under Section 1362 of the Internal Revenue Code, the taxable income of such corporation determined in accordance with Section 1363(b) of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 1363(b)(1) of the Internal Revenue Code to be separately stated; and (ii) a Subchapter S corporation for which there is in effect a federal election to opt out of the provisions of the Subchapter S Revision Act of 1982 and have applied instead the prior federal Subchapter S rules as in effect on July 1, 1982, the taxable income of such corporation determined in accordance with the federal Subchapter S rules as in effect on July 1, 1982; and

(H) Partnerships. In the case of a partnership, taxable income determined in accordance with Section 703 of the Internal Revenue Code, except that taxable income shall take into account those items which are required by Section 703(a)(1) to be separately stated but which would be taken into account by an individual in calculating his taxable income.

(f) Valuation limitation amount.

(1) In general. The valuation limitation amount referred to in subsections (a) (2) (G), (c) (2) (I) and (d)(2) (E) is an amount equal to:

(A) The sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of gain reportable under the provisions of Section 1245 or 1250 of the Internal Revenue Code) for all property in respect of which such gain was reported for the taxable year; plus

(B) The lesser of (i) the sum of the pre-August 1, 1969 appreciation amounts (to the extent consisting of capital gain) for all property in respect of which such gain was reported for federal income tax purposes for the taxable year, or (ii) the net capital gain for the taxable year, reduced in either case by any amount of such gain included in the amount determined under subsection (a) (2) (F) or (c) (2) (H).

(2) Pre-August 1, 1969 appreciation amount.

(A) If the fair market value of property referred to

in paragraph (1) was readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is the lesser of (i) the excess of such fair market value over the taxpayer's basis (for determining gain) for such property on that date (determined under the Internal Revenue Code as in effect on that date), or (ii) the total gain realized and reportable for federal income tax purposes in respect of the sale, exchange or other disposition of such property.

(B) If the fair market value of property referred to in paragraph (1) was not readily ascertainable on August 1, 1969, the pre-August 1, 1969 appreciation amount for such property is that amount which bears the same ratio to the total gain reported in respect of the property for federal income tax purposes for the taxable year, as the number of full calendar months in that part of the taxpayer's holding period for the property ending July 31, 1969 bears to the number of full calendar months in the taxpayer's entire holding period for the property.

(C) The Department shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.

(g) Double deductions. Unless specifically provided otherwise, nothing in this Section shall permit the same item to be deducted more than once.

(h) Legislative intention. Except as expressly provided by this Section there shall be no modifications or limitations on the amounts of income, gain, loss or deduction taken into account in determining gross income, adjusted gross income or taxable income for federal income tax purposes for the taxable year, or in the amount of such items entering into the computation of base income and net income under this Act for such taxable year, whether in respect of property values as of August 1, 1969 or otherwise.

(Source: P.A. 90-491, eff. 1-1-98; 90-717, eff. 8-7-98; 90-770, eff. 8-14-98; 91-192, eff. 7-20-99; 91-205, eff. 7-20-99; 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676, eff. 12-23-99; revised

1-5-00.)
Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.
Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 5
AMENDMENT NO. 5. Amend House Bill 2980, AS AMENDED, by replacing the title with the following:
"AN ACT in relation to employment."; and
by inserting after Section 90 the following:
"Section 95. The Workers' Compensation Act is amended by adding Section 18.5 as follows:
(820 ILCS 305/18.5 new)
Sec. 18.5. Insurance fraud; employer's standing to seek disposal of claim. After an employee has been convicted of an offense involving a fraudulent workers' compensation claim, an employer has standing before the Industrial Commission for the sole purpose of filing and seeking disposal of the claim.
Section 96. The Workers' Occupational Diseases Act is amended by adding Section 18.5 as follows:

(820 ILCS 310/18.5 new)
Sec. 18.5. Insurance fraud; employer's standing to seek disposal of claim. After an employee has been convicted of an offense involving a fraudulent claim under this Act, an employer has standing before the Industrial Commission for the sole purpose of filing and seeking disposal of the claim.".

The motion prevailed and the amendment was adopted and ordered printed.
And **House Bill No. 2980**, as amended, was returned to the order of third reading.

At the hour of 3:04 o'clock p.m., Senator Donahue presiding.

On motion of Senator R. Madigan, **House Bill No. 3093** was recalled from the order of third reading to the order of second reading.
Senator R. Madigan offered the following amendment and moved its adoption:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend House Bill 3093 by replacing everything after the enacting clause with the following:
"Section 5. The Department of Agriculture Law of the Civil Administrative Code of Illinois is amended by adding Section 205-440 as follows:
(20 ILCS 205/205-440 new)
Sec. 205-440. Tree buffer programs. The Department of

Agriculture shall (i) give guidance to organized buffer initiatives regarding the State agencies and State resources of relevance to implementation of the programs and (ii) aid in the promotion of and public dissemination of information about organized buffer initiatives.

Section 10. The Rivers, Lakes, and Streams Act is amended by changing Section 29a as follows:

(615 ILCS 5/29a) (from Ch. 19, par. 78)

Sec. 29a. Construction permits; maintenance and repairs; clear cutting.

(a) After July 1, 1985, no person, State agency, or unit of local government shall undertake construction in a public body of water or in a stream without a permit from the Department of Natural Resources. No permit shall be required in a stream which is not a public body of water, draining less than one square mile in an urban area or less than ten square miles in a rural area. No permits shall be required for field tile systems, tile outlet structures, terraces, water and sediment control basins, grade stabilization structures, or grassed waterways which do not obstruct flood flows. Any artificially improved stream channel, drainage ditch, levee, or pumping station existing in serviceable condition on July 1, 1985 may be maintained and repaired to preserve design capacity and function without a permit. Maintenance and repair of improved channels, ditches or levees shall follow accepted practices to reduce, as practical, scour, erosion, sedimentation, escape of loose material and debris, disturbance of adjacent trees and vegetation, and obstruction of flood flows.

(b) No person, State agency, or unit of local government, except (i) a unit of local government with a population greater than 500,000 and (ii) a commercial or industrial facility, the operation of which falls under the regulatory jurisdiction of the United States Army Corps of Engineers or the United States Coast Guard under Section 10 of the Federal Rivers and Harbors Act, may clear cut trees within

15 yards of waters listed by the Department under Section 5 as navigable, except as follows:

(1) for the purpose of improving, maintaining, repairing, constructing, or reconstructing any highway, road, bridge, culvert, drainage structure, drainage facility, or grade separation under the jurisdiction of the Illinois Department of Transportation or any municipality, public water facility, road district, highway commissioner, or drainage district;

(2) for maintenance and improvement of drainage of or on agricultural land; and

(3) for the purpose of improving, maintaining, repairing, constructing, or reconstructing any facility for the distribution, transmission, or generation of electricity.

For the purpose of this subsection, "clear cutting" means the complete removal of mature or established trees covering an area of 400 square yards or more of which leaves less than 50% of the existing forest cover. "Clear cutting" does not include any of the following:

(1) The removal of brush or woody debris.

(2) The selective cutting of diseased, dying, or dead trees.

(3) The selective cutting of individual trees for the purpose of home construction.

(4) The selective cutting of individual trees that pose a threat to private property.

(5) The clearing of trees for restoration purposes to include:

(i) removal of non-native tree species and the subsequent reestablishment of native tree species;

(ii) thinning of trees for the purposes of encouraging the growth of preferential tree species;

(iii) restoration of wetlands, prairies, or other natural areas that will not cause or contribute to streambank destabilization.

(6) The removal of trees or woody vegetation pursuant to any State or Federal conservation plan contracts, or when approved by the U.S. Army Corps of Engineers and the Department.

The Department of Natural Resources may adopt rules for the administration of this subsection and shall adopt rules permitting a municipality with a population of 500,000 or less to petition the Department of Natural Resources to permit clear cutting to accommodate necessary socioeconomic development projects.

(Source: P.A. 89-445, eff. 2-7-96.)".

The motion prevailed and the amendment was adopted and ordered printed.

Senator R. Madigan offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3093, AS AMENDED, by inserting below the last line of Section 5 the following:

"Section 7. The Property Tax Code is amended by adding Section 10-153 as follows:

(35 ILCS 200/10-153 new)

Sec. 10-153. Non-clear cut assessment. Land that (i) is not located in a unit of local government with a population greater than 500,000, (ii) is located within 15 yards of waters listed by the Department of Natural Resources under Section 5 of the Rivers, Lakes, and Streams Act as navigable, and (iii) has not been clear cut of

trees, as defined in Section 29a of the Rivers, Lakes, and Streams Act, shall be valued at 1/12th of its productivity index equalized assessed value as cropland.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 3093**, as amended, was returned to the order of third reading.

On motion of Senator Dudycz, **House Bill No. 3225** was recalled from the order of third reading to the order of second reading.

Senator Dudycz offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3225 on page 1, by replacing line 1 with the following:

"AN ACT concerning local government officials."; and

on page 2, immediately below line 30, by inserting the following:

"Section 10. The Metropolitan Water Reclamation District Act is amended by changing Section 4 as follows:

(70 ILCS 2605/4) (from Ch. 42, par. 323)

Sec. 4. The commissioners elected under this Act constitute a board of commissioners for the district by which they are elected, which board of commissioners is the corporate authority of the sanitary district, and, in addition to all other powers specified in this Act, shall establish the policies and goals of the sanitary district. The general superintendent, in addition to all other powers specified in this Act, shall manage and control all the affairs and property of the sanitary district and shall regularly report to the Board of Commissioners on the activities of the sanitary district in executing the policies and goals established by the board. At the regularly scheduled meeting of odd numbered years following the induction of new commissioners the board of commissioners shall elect from its own number a president and a vice-president to serve in the absence of the president, and the chairman of the committee on finance. The board shall provide by rule when a vacancy occurs in the office of the president, vice-president, or the chairman of the committee on finance and the manner of filling such vacancy.

The board shall appoint from outside its own number the general superintendent and treasurer for the district.

The general superintendent must be a resident of the sanitary district and a citizen of the United States. He must be selected solely upon his administrative and technical qualifications and without regard to his political affiliations.

In the event of illness or other prolonged absence, death or resignation creating a vacancy in the office of the general superintendent, or treasurer, the board of commissioners may appoint an acting officer from outside its own number, to perform the duties and responsibilities of the office during the term of the absence or vacancy.

The general superintendent with the advice and consent of the board of commissioners, shall appoint the chief engineer, chief of maintenance and operations, director of personnel, purchasing agent, clerk, attorney, director of research and development, and director of information technology. These constitute the heads of the Department of Engineering, Maintenance and Operations, Personnel, Purchasing, Finance, Law, Research and Development, and Information Technology, respectively. No other departments or heads of

departments may be created without subsequent amendment to this Act. All such department heads are under the direct supervision of the general superintendent.

The director of personnel must be qualified under Section 4.2a of this Act.

The purchasing agent must be selected in accordance with Section 11.16 of this Act.

In the event of illness or other prolonged absence, death or resignation creating a vacancy in the office of chief engineer, chief of maintenance and operations, director of personnel, purchasing agent, clerk, attorney, director of research and development, or director of information technology, the general superintendent shall appoint an acting officer to perform the duties and responsibilities of the office during the term of the absence or vacancy. Any such officers appointed in an acting capacity are under the direct supervision of the general superintendent.

All appointive officers and acting officers shall give bond as may be required by the board.

The general superintendent, treasurer, acting general superintendent and acting treasurer hold their offices at the pleasure of the board of commissioners.

The acting chief engineer, acting chief of maintenance and operations, acting purchasing agent, acting director of personnel, acting clerk, acting attorney, acting director of research and development, and acting director of information technology hold their offices at the pleasure of the general superintendent.

The chief engineer, chief of maintenance and operations, director of personnel, purchasing agent, clerk, attorney, director of research and development, and director of information technology may be removed from office for cause by the general superintendent. Prior to removal, such officers are entitled to a public hearing before the general superintendent at which hearing they may be represented by counsel. Before the hearing, the general superintendent shall notify the board of commissioners of the date, time, place and nature of the hearing.

In addition to the attorney appointed by the general superintendent, the board of commissioners may appoint from outside its own number an attorney, or retain counsel, to advise the board of commissioners with respect to its powers and duties and with respect to legal questions and matters of policy for which the board of commissioners is responsible.

The general superintendent is the chief administrative officer of the district, has supervision over and is responsible for all administrative and operational matters of the sanitary district including the duties of all employees which are not otherwise designated by law, and is the appointing authority as specified in Section 4.11 of this Act.

The board, through the budget process, shall fix the compensation of all the officers and employees of the sanitary district. Any incumbent of the office of president may appoint an administrative aide which appointment remains in force during his incumbency unless revoked by the president.

Effective upon the election in January, 1985 of the president and vice-president of the board of commissioners and the chairman of the committee on finance, the annual salary of the president shall be $37,500 and shall be increased to $39,500 in January, 1987, $41,500 in January, 1989, ~~and~~ $50,000 in January, 1991<u>, and $60,000 in</u>

January, 2001; the annual salary of the vice-president shall be $35,000 and shall be increased to $37,000 in January, 1987, $39,000 in January, 1989 ~~and~~ $45,000 in January, 1991, and $55,000 in

January, 2001; the annual salary of the chairman of the committee on finance shall be $32,500 and shall be increased to $34,500 in January, 1987, $36,500 in January, 1989 ~~and~~ $45,000 in January, 1991, and $55,000 in January, 2001.

The annual salaries of the other members of the Board shall be as follows:

For the three members elected in November, 1980, $26,500 per annum for the first two years of the term; $28,000 per annum for the next two years of the term and $30,000 per annum for the last two years.

For the three members elected in November, 1982, $28,000 per annum for the first two years of the term and $30,000 per annum thereafter.

For members elected in November, 1984, $30,000 per annum.

For the three members elected in November, 1986, $32,000 for each of the first two years of the term, $34,000 for each of the next two years and $36,000 for the last two years;

For three members elected in November, 1988, $34,000 for each of the first two years of the term and $36,000 for each year thereafter.

For members elected in November, 1990, 1992, 1994, 1996, or 1998 ~~or thereafter~~, $40,000.

For members elected in November, 2000 and thereafter, $50,000.

The board of commissioners has full power to pass all necessary ordinances, orders, rules, resolutions and regulations for the proper management and conduct of the business of the board of commissioners and the corporation and for carrying into effect the object for which the sanitary district is formed. All ordinances, orders, rules, resolutions and regulations passed by the board of commissioners must, before they take effect, be approved by the president of the board of commissioners. If he approves thereof, he shall sign them, and such as he does not approve he shall return to the board of commissioners with his objections in writing at the next regular meeting of the board of commissioners occurring after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance. If the veto extends to a part of such ordinance, the residue takes effect. If the president of such board of commissioners fails to return any ordinance, order, rule, resolution or regulation with his objections thereto in the time required, he is deemed to have approved it, and it takes effect accordingly. Upon the return of any ordinance, order, rule, resolution, or regulation by the president, the vote by which it was passed must be reconsidered by the board of commissioners, and if upon such reconsideration two-thirds of all the members agree by yeas and nays to pass it, it takes effect notwithstanding the president's refusal to approve thereof.

It is the policy of this State that all powers granted, either expressly or by necessary implication, by this Act or any other

Illinois statute to the District may be exercised by the District notwithstanding effects on competition. It is the intention of the General Assembly that the "State action exemption" to the application of federal antitrust statutes be fully available to the District to the extent its activities are authorized by law as stated herein. (Source: P.A. 86-520; 87-1146.).

Section 99. Effective date. This Act takes effect upon becoming law.".

And on that motion, a call of the roll was had resulting as follows:

Yeas 28; Nays 29; Present 1.

The following voted in the affirmative:

Bowles
Clayborne
Cullerton
DeLeo
del Valle
Dillard
Donahue
Dudycz
Jones, E.
Klemm
Lauzen
Madigan, R.
Maitland
Molaro
Munoz
Myers
Petka
Ronen
Roskam
Shaw
Sieben
Silverstein
Trotter
Viverito
Walsh, L.
Walsh, T.
Weaver
Mr. President

The following voted in the negative:

Bomke
Burzynski
Cronin
Demuzio
Halvorson
Hawkinson

Hendon
Jacobs
Jones, W.
Karpiel
Link
Luechtefeld
Madigan, L.
Mahar
Mitchell
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Radogno
Rauschenberger
Shadid
Smith
Sullivan
Syverson

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Watson
Welch

The following voted present:

Lightford

The motion lost.

Senator Smith asked and obtained unanimous consent for the Journal to reflect that she inadvertently voted "No" instead of "Yes" on the the adoption of Senate Amendment No. 1 to **House Bill No. 3225**.

Senator R. Madigan offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3225 on page 2, immediately below line 30, by inserting the following:

"Section 15. The Counties Code is amended by changing Section 4-10001 as follows:

(55 ILCS 5/4-10001) (from Ch. 34, par. 4-10001)

Sec. 4-10001. County board members. County board members elected pursuant to Division 2-3 shall receive such compensation as is fixed by the county board in accordance with the method of compensation selected by the county board. Such compensation shall be set before the general election at which county board members are elected. The chairman of the county board shall receive such additional compensation as determined by the county board in reapportioning the county.

In addition to any salary otherwise provided by law, beginning December 1, 2000, the chairman of the county board i) of any county with a population of less than 250,000 inhabitants and ii) who is elected at large by the voters of the entire county, for his or her additional duties imposed by law shall receive an annual stipend to be paid by the State of $6,500.

County board members and the chairman of the county board are also entitled to travel and expense allowances as determined by the county board.
(Source: P.A. 86-962.)

And on that motion, a call of the roll was had resulting as follows:

Yeas 6; Nays 49; Present 3.

The following voted in the affirmative:

Dillard
Dudycz
Madigan, R.
Molaro
Weaver
Mr. President

The following voted in the negative:

Bomke
Bowles
Burzynski
Clayborne

Cronin
Cullerton
DeLeo
del Valle
Demuzio
Donahue
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Link
Luechtefeld
Madigan, L.
Mahar
Maitland
Mitchell

Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Welch

The following voted present:

Lightford
Petka
Rauschenberger

The motion lost.

And **House Bill No. 3225** was returned to the order of third reading.

On motion of Senator Sullivan, **House Bill No. 3455** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committee on Licensed Activities.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3455, on page 2, by replacing lines 24 through 27 with the following:

"3-year term. ~~No member may serve more than 2 consecutive terms.~~".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 3455**, as amended, was returned to the order of third reading.

On motion of Senator Sullivan, **House Bill No. 3457** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3457, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, by replacing lines 10 through 14 with the following:

"area shaped so as to blend into an extension of the surrounding topography or an above-grade manmade functional structure not to exceed 20 feet in height, provided that the area or structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such area or structure shall be constructed within a home rule municipality with a population over 500,000.";and

on page 7, in line 1, by replacing "ELUCs." with the following:

"ELUCs.

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 3457**, as amended, was returned to the order of third reading.

On motion of Senator Dudycz, **House Bill No. 3465** was recalled from the order of third reading to the order of second reading.

Senator Dudycz offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3465 on page 1, line 13, by inserting "and secretly" after "knowingly".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 3465**, as amended, was returned to the order of third reading.

On motion of Senator Karpiel, **House Bill No. 3588** was recalled from the order of third reading to the order of second reading.

Senator Karpiel offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3588, AS AMENDED, by replacing

the title with the following:

"AN ACT concerning health care facilities."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Health Facilities Planning Act is amended by changing Section 3 as follows:

(20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)

(Text of Section before amendment by P.A. 91-656)

Sec. 3. As used in this Act:

"Health care facilities" means and includes the following facilities and organizations:

1. An ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act;

2. An institution, place, building, or agency required to be licensed pursuant to the Hospital Licensing Act;

3. Any institution required to be licensed pursuant to the Nursing Home Care Act;

4. Hospitals, nursing homes, ambulatory surgical treatment centers, or kidney disease treatment centers maintained by the State or any department or agency thereof; and

5. Kidney disease treatment centers, including a free-standing hemodialysis unit.

No federally owned facility shall be subject to the provisions of this Act, nor facilities used solely for healing by prayer or spiritual means.

No facility licensed under the Supportive Residences Licensing Act shall be subject to the provisions of this Act.

A facility designated as a supportive living facility that is in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code shall not be subject to the provisions of this Act.

This Act does not apply to facilities granted waivers under Section 3-102.2 of the Nursing Home Care Act. However, if a demonstration project under that Act applies for a certificate of need to convert to a nursing facility, it shall meet the licensure and certificate of need requirements in effect as of the date of application.

With the exception of those health care facilities specifically included in this Section, nothing in this Act shall be intended to include facilities operated as a part of the practice of a physician or other licensed health care professional, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional group. Further, this Act shall not apply to physicians or other licensed health care professional's practices where such practices are carried out in a portion of a health care facility under contract with such health care facility by a physician or by other licensed health care professionals, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional groups. This Act shall apply to construction or modification and to establishment by such health care facility of such contracted portion which is subject to facility licensing requirements, irrespective of the party responsible for such action or attendant financial obligation.

"Person" means any one or more natural persons, legal entities, governmental bodies other than federal, or any combination thereof.

"Consumer" means any person other than a person (a) whose major occupation currently involves or whose official capacity within the last 12 months has involved the providing, administering or financing

of any type of health care facility, (b) who is engaged in health research or the teaching of health, (c) who has a material financial interest in any activity which involves the providing, administering or financing of any type of health care facility, or (d) who is or ever has been a member of the immediate family of the person defined by (a), (b), or (c).

"State Board" means the Health Facilities Planning Board.

"Construction or modification" means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership, of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation, or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum; however, any expenditure made by or on behalf of a health care facility for the development, operation, or both of a facility licensed under the Assisted Living and Shared Housing Act is exempt from any State Board review.

"Establish" means the construction of a health care facility or the replacement of an existing facility on another site.

"Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of Section 1861(s) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

"Capital Expenditure" means an expenditure: (A) made by or on behalf of a health care facility (as such a facility is defined in this Act); and (B) which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and which exceeds the capital expenditure minimum.

For the purpose of this paragraph, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditures minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under this Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of this Act if a transfer of the

equipment or facilities at fair market value would be subject to review.

"Capital expenditure minimum" means $1,000,000 for major medical equipment and $2,000,000 for all other capital expenditures, both of which shall be annually adjusted to reflect the increase in construction costs due to inflation.

"Areawide" means a major area of the State delineated on a geographic, demographic, and functional basis for health planning and for health service and having within it one or more local areas for

health planning and health service. The term "region", as contrasted with the term "subregion", and the word "area" may be used synonymously with the term "areawide".

"Local" means a subarea of a delineated major area that on a geographic, demographic, and functional basis may be considered to be part of such major area. The term "subregion" may be used synonymously with the term "local".

"Areawide health planning organization" or "Comprehensive health planning organization" means the health systems agency designated by the Secretary, Department of Health and Human Services or any successor agency.

"Local health planning organization" means those local health planning organizations that are designated as such by the areawide health planning organization of the appropriate area.

"Physician" means a person licensed to practice in accordance with the Medical Practice Act of 1987, as amended.

"Licensed health care professional" means a person licensed to practice a health profession under pertinent licensing statutes of the State of Illinois.

"Director" means the Director of the Illinois Department of Public Health.

"Agency" means the Illinois Department of Public Health.

"Comprehensive health planning" means health planning concerned with the total population and all health and associated problems that affect the well-being of people and that encompasses health services, health manpower, and health facilities; and the coordination among these and with those social, economic, and environmental factors that affect health.

"Alternative health care model" means a facility or program authorized under the Alternative Health Care Delivery Act.
(Source: P.A. 89-499, eff. 6-28-96; 89-530, eff. 7-19-96; 90-14, eff. 7-1-97.)

(Text of Section after amendment by P.A. 91-656)

Sec. 3. As used in this Act:

"Health care facilities" means and includes the following facilities and organizations:

1. An ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act;

2. An institution, place, building, or agency required to be licensed pursuant to the Hospital Licensing Act;

3. Skilled and intermediate long term care facilities

licensed under the Nursing Home Care Act;

4. Hospitals, nursing homes, ambulatory surgical treatment centers, or kidney disease treatment centers maintained by the State or any department or agency thereof; and

5. Kidney disease treatment centers, including a free-standing hemodialysis unit.

No federally owned facility shall be subject to the provisions of this Act, nor facilities used solely for healing by prayer or spiritual means.

No facility licensed under the Supportive Residences Licensing Act or the Assisted Living and Shared Housing Act shall be subject to the provisions of this Act.

A facility designated as a supportive living facility that is in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code shall not be subject to the provisions of this Act.

This Act does not apply to facilities granted waivers under Section 3-102.2 of the Nursing Home Care Act. However, if a

demonstration project under that Act applies for a certificate of need to convert to a nursing facility, it shall meet the licensure and certificate of need requirements in effect as of the date of application.

This Act shall not apply to the closure of an entity or a portion of an entity licensed under the Nursing Home Care Act that elects to convert, in whole or in part, to an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Establishment Act.

With the exception of those health care facilities specifically included in this Section, nothing in this Act shall be intended to include facilities operated as a part of the practice of a physician or other licensed health care professional, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional group. Further, this Act shall not apply to physicians or other licensed health care professional's practices where such practices are carried out in a portion of a health care facility under contract with such health care facility by a physician or by other licensed health care professionals, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional groups. This Act shall apply to construction or modification and to establishment by such health care facility of such contracted portion which is subject to facility licensing requirements, irrespective of the party responsible for such action or attendant financial obligation.

"Person" means any one or more natural persons, legal entities, governmental bodies other than federal, or any combination thereof.

"Consumer" means any person other than a person (a) whose major occupation currently involves or whose official capacity within the last 12 months has involved the providing, administering or financing of any type of health care facility, (b) who is engaged in health

research or the teaching of health, (c) who has a material financial interest in any activity which involves the providing, administering or financing of any type of health care facility, or (d) who is or ever has been a member of the immediate family of the person defined by (a), (b), or (c).

"State Board" means the Health Facilities Planning Board.

"Construction or modification" means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership, of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation, or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum; however, any expenditure made by or on behalf of a health care facility for the development, operation, or both of a facility licensed under the Assisted Living and Shared Housing Act is exempt from any State Board review.

"Establish" means the construction of a health care facility or the replacement of an existing facility on another site.

"Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of

Section 1861(s) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

"Capital Expenditure" means an expenditure: (A) made by or on behalf of a health care facility (as such a facility is defined in this Act); and (B) which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and which exceeds the capital expenditure minimum.

For the purpose of this paragraph, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditures minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under this Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of this Act if a transfer of the equipment or facilities at fair market value would be subject to

review.

"Capital expenditure minimum" means $1,000,000 for major medical equipment and $2,000,000 for all other capital expenditures, both of which shall be annually adjusted to reflect the increase in construction costs due to inflation.

"Areawide" means a major area of the State delineated on a geographic, demographic, and functional basis for health planning and for health service and having within it one or more local areas for health planning and health service. The term "region", as contrasted with the term "subregion", and the word "area" may be used synonymously with the term "areawide".

"Local" means a subarea of a delineated major area that on a geographic, demographic, and functional basis may be considered to be part of such major area. The term "subregion" may be used synonymously with the term "local".

"Areawide health planning organization" or "Comprehensive health planning organization" means the health systems agency designated by the Secretary, Department of Health and Human Services or any successor agency.

"Local health planning organization" means those local health planning organizations that are designated as such by the areawide health planning organization of the appropriate area.

"Physician" means a person licensed to practice in accordance with the Medical Practice Act of 1987, as amended.

"Licensed health care professional" means a person licensed to practice a health profession under pertinent licensing statutes of the State of Illinois.

"Director" means the Director of the Illinois Department of Public Health.

"Agency" means the Illinois Department of Public Health.

"Comprehensive health planning" means health planning concerned with the total population and all health and associated problems that affect the well-being of people and that encompasses health services, health manpower, and health facilities; and the coordination among these and with those social, economic, and environmental factors that affect health.

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"Alternative health care model" means a facility or program authorized under the Alternative Health Care Delivery Act.
(Source: P.A. 90-14, eff. 7-1-97; 91-656, eff. 1-1-01.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 3588**, as amended, was returned to the order of

third reading.

On motion of Senator Maitland, **House Bill No. 3621** was recalled from the order of third reading to the order of second reading.

Senator Maitland offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3621 by replacing everything after the enacting clause with the following:

"Section 5. The Attorneys Lien Act is amended by changing Section 1 and adding Section 2 as follows:

(770 ILCS 5/1) (from Ch. 13, par. 14)

Sec. 1. Except as provided in Section 2, attorneys at law shall have a lien upon all claims, demands and causes of action, including all claims for unliquidated damages, which may be placed in their hands by their clients for suit or collection, or upon which suit or action has been instituted, for the amount of any fee which may have been agreed upon by and between such attorneys and their clients, or, in the absence of such agreement, for a reasonable fee, for the services of such suits, claims, demands or causes of action, plus costs and expenses. To enforce such lien, such attorneys shall serve notice in writing, which service may be made by registered or certified mail, upon the party against whom their clients may have such suits, claims or causes of action, claiming such lien and stating therein the interest they have in such suits, claims, demands or causes of action. Such lien shall attach to any verdict, judgment or order entered and to any money or property which may be recovered, on account of such suits, claims, demands or causes of action, from and after the time of service of the notice. On petition filed by such attorneys or their clients any court of competent jurisdiction shall, on not less than 5 days' notice to the adverse party, adjudicate the rights of the parties and enforce the lien.

(Source: P.A. 86-1156; 87-425.)

(770 ILCS 5/2 new)

Sec. 2. Tobacco settlement agreement.

(a) In this Section, "tobacco settlement agreement" means the Master Settlement Agreement in the case of People of the State of Illinois v. Philip Morris et al. (Circuit Court of Cook County, No. 96-L13146). The term also includes any settlement with or judgment against a tobacco product manufacturer not participating in that Master Settlement Agreement, if the settlement or judgment is in satisfaction of a released claim as that term is defined in the Master Settlement Agreement.

(b) This Act does not apply to any claim, demand, cause of

action, or action that results in a tobacco settlement agreement. A lien is not created under this Act for the whole or any part of the amount of any fee that may have been agreed upon by and between an attorney and his or her client with respect to such a claim, demand, cause of action, or action, regardless of whether a notice claiming such a lien is served before, on, or after the effective date of this

amendatory Act of the 91st General Assembly. A lien does not attach under this Act to any settlement or judgment that is the subject of a tobacco settlement agreement, nor does a lien attach under this Act to any money or property recovered pursuant to such a settlement or judgment, regardless of whether a notice claiming such a lien is served before, on, or after the effective date of this amendatory Act of the 91st General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 3621**, as amended, was returned to the order of third reading.

On motion of Senator O'Malley, **House Bill No. 3756** was recalled from the order of third reading to the order of second reading.

Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3756 by replacing the title with the following:

"AN ACT in relation to public employee benefits."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Section 17-142.1 as follows:

(40 ILCS 5/17-142.1) (from Ch. 108 1/2, par. 17-142.1)

Sec. 17-142.1. To defray health insurance costs. To provide for the partial reimbursement of health insurance costs.

(1) On the first day of September of each year, beginning in 1988, the Board may, by separate warrant, pay to each recipient of a service retirement, disability retirement or survivor's pension an amount to be determined by the Board, which shall represent partial reimbursement for the cost of the recipient's health insurance coverage.

(2) In lieu of the annual payment authorized in subdivision (1), for pensioners enrolled in the Fund's regular health care deduction plans, the Fund may pay the health insurance premium reimbursement on a monthly rather than annual basis, at the percentage rate established from time to time by the Board. If the Board so directs, these monthly payments may be made in the form of a direct payment of premium and a reduction in the amount deducted from the annuity, rather than in the form of reimbursement by separate warrant.

(3) Total payments under this Section in any year may not exceed $40,000,000 ~~$25,000,000~~ plus any amount that was authorized to be paid under this Section in the preceding year but was not actually paid by the Board.

(Source: P.A. 90-566, eff. 1-2-98.)

Section 90. The State Mandates Act is amended by adding Section 8.24 as follows:

(30 ILCS 805/8.24 new)

Sec. 8.24. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the

implementation of any mandate created by this amendatory Act of the 91st General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 3756**, as amended, was returned to the order of third reading.

On motion of Senator Radogno, **House Bill No. 3928** was recalled from the order of third reading to the order of second reading.

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3928, AS AMENDED, as follows:

in Section 40, subsection (c), the second sentence, by replacing "must comprise 11 members" with "must comprise 9 members"; and

in Section 40, subsection (c), the second sentence, by replacing "(vi) one licensed installer; (vii) one licensed manufacturer; (viii) one building official familiar with the installation of mobile homes; and (ix) one individual who works with consumer financing." with the following:

"(vi) one licensed installer; and (vii) one licensed manufacturer. Each individual described in items (iv), (v), (vi), and (vii) must be active members of either the Illinois Manufactured Housing Association or the Illinois Housing Institute."; and

in Section 40, subsection (e), by deleting "3 members of the Board upon delivery of a written notice to"; and

in Section 45, in the first sentence following the Section heading, by inserting "for a violation of this Act" after "6 months"; and

in Section 60, in the first sentence following the Section heading, by replacing "It" with the following:

"Except as provided in Section 65, it"; and

in Section 60, in the last sentence, by inserting "to which this Act applies" after "unit of local government"; and

by inserting after Section 60 the following:

"Section 65. Applicability. This Act does not apply to home rule municipalities with a population in excess of 1,000,000.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 3928**, as amended, was returned to the order of third reading.

On motion of Senator Molaro, **House Bill No. 3929** was recalled from the order of third reading to the order of second reading.

Senator Molaro offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3929 on page 7, line 13 by inserting after "clerk" the following:

"after court costs are recovered by the clerk".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 3929**, as amended, was returned to the order of third reading.

[Apr. 6, 2000]

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On motion of Senator O'Malley, **House Bill No. 4045** was recalled from the order of third reading to the order of second reading.

Senator Petka offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4045 on page 4, line 22 and page 9, line 18 by changing ""Sex" each time it appears to "Except as otherwise provided in paragraph (2.5), "sex"; and

on page 5, by inserting between lines 31 and 32 and on page 10, by inserting between lines 28 and 29 the following:

"(2.5) For the purposes of subsection (b-5) only, a sex offense means:

(i) A violation of any of the following Sections of the Criminal Code of 1961:

10-5(b)(10) (child luring), 10-7 (aiding and abetting child abduction under Section 10-5(b)(10)), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-15.1 (soliciting for a juvenile prostitute), 11-17.1 (keeping a place of juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-19.1 (juvenile pimping), 11-19.2 (exploitation of a child), 11-20.1 (child pornography), 12-14.1 (predatory criminal sexual assault of a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses.

(ii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age: 12-13 (criminal sexual assault), 12-14 (aggravated criminal sexual assault), 12-16 (aggravated criminal sexual abuse), and subsection (a) of Section 12-15 (criminal sexual abuse). An attempt to commit any of these offenses.

(iii) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age and the defendant is not a parent of the victim:

10-1 (kidnapping),

10-2 (aggravated kidnapping),

10-3 (unlawful restraint),

10-3.1 (aggravated unlawful restraint).

An attempt to commit any of these offenses.

(iv) A violation of any former law of this State substantially equivalent to any offense listed in this paragraph (2.5) of this subsection.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 4045**, as amended, was returned to the order of third reading.

On motion of Senator Luechtefeld, **House Bill No. 4124** was recalled from the order of third reading to the order of second reading.

Senator Luechtefeld offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4124 on page 1, by deleting lines 4 through 24; and

on page 1, line 26, by replacing "3-2-6," with "3-6-2,"; and

on page 2, by replacing lines 18 through 29 with the following:

"(c) The Department shall create a gang intelligence unit under the supervision of the Director. The unit shall be specifically designed to gather information regarding the inmate gang population, monitor the activities of gangs, and prevent the furtherance of gang activities through the development and implementation of policies aimed at deterring gang activity. The Director shall appoint a Corrections Intelligence Coordinator.

All information collected and maintained by the unit shall be highly confidential, and access to that information shall be restricted by the Department. The information shall be used to control and limit the activities of gangs within correctional institutions under the jurisdiction of the Illinois Department of Corrections and may be shared with other law enforcement agencies in order to curb gang activities outside of correctional institutions under the jurisdiction of the Department and to assist in the investigations and prosecutions of gang activity. The Department shall establish and promulgate rules governing the release of information to outside law enforcement agencies. Due to the highly sensitive nature of the information, the information is exempt from requests for disclosure under the Freedom of Information Act as the information contained is highly confidential and may be harmful if disclosed.

The Department shall file an annual report with the General Assembly on the profile of the inmate population associated with gangs, gang-related activity within correctional institutions under the jurisdiction of the Department, and an overall status of the unit as it relates to its function and performance."; and

on page 2, by deleting lines 31 through 33; and

by deleting all of pages 3 and 4; and

on page 5, by replacing lines 1 and 2 with the following:

"(730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

Sec. 3-6-2. Institutions and Facility Administration.

(a) Each institution and facility of the Department shall be administered by a chief administrative officer appointed by the

Director. A chief administrative officer shall be responsible for all persons assigned to the institution or facility. The chief administrative officer shall administer the programs of the Department for the custody and treatment of such persons.

(b) The chief administrative officer shall have such assistants as the Department may assign.

(c) The Director or Assistant Director shall have the emergency powers to temporarily transfer individuals without formal procedures to any State, county, municipal or regional correctional or detention institution or facility in the State, subject to the acceptance of such receiving institution or facility, or to designate any reasonably secure place in the State as such an institution or facility and to make transfers thereto. However, transfers made under emergency powers shall be reviewed as soon as practicable under Article 8, and shall be subject to Section 5-905 of the Juvenile Court Act of 1987. This Section shall not apply to transfers to the Department of Human Services which are provided for under Section 3-8-5 or Section 3-10-5.

(d) The Department shall provide educational programs for all committed persons so that all persons have an opportunity to attain the achievement level equivalent to the completion of the twelfth grade in the public school system in this State. Other higher levels of attainment shall be encouraged and professional instruction shall be maintained wherever possible. The Department may establish

programs of mandatory education and may establish rules and regulations for the administration of such programs. A person committed to the Department who, during the period of his or her incarceration, participates in an educational program provided by or through the Department and through that program is awarded or earns the number of hours of credit required for the award of an associate, baccalaureate, or higher degree from a community college, college, or university located in Illinois shall reimburse the State, through the Department, for the costs incurred by the State in providing that person during his or her incarceration with the education that qualifies him or her for the award of that degree. The costs for which reimbursement is required under this subsection shall be determined and computed by the Department under rules and regulations that it shall establish for that purpose. However, interest at the rate of 6% per annum shall be charged on the balance of those costs from time to time remaining unpaid, from the date of the person's parole, mandatory supervised release, or release constituting a final termination of his or her commitment to the Department until paid.

(e) A person committed to the Department who becomes in need of medical or surgical treatment but is incapable of giving consent thereto shall receive such medical or surgical treatment by the chief administrative officer consenting on the person's behalf. Before the chief administrative officer consents, he or she shall obtain the advice of one or more physicians licensed to practice medicine in all its branches in this State. If such physician or physicians advise:

(1) that immediate medical or surgical treatment is required relative to a condition threatening to cause death,

damage or impairment to bodily functions, or disfigurement; and

(2) that the person is not capable of giving consent to such treatment; the chief administrative officer may give consent for such medical or surgical treatment, and such consent shall be deemed to be the consent of the person for all purposes, including, but not limited to, the authority of a physician to give such treatment.

(f) In the event that the person requires medical care and treatment at a place other than the institution or facility, the person may be removed therefrom under conditions prescribed by the Department. The Department shall require the committed person receiving medical or dental services on a non-emergency basis to pay a $2 co-payment to the Department for each visit for medical or dental services ~~at a place other than the institution or facility~~. The amount of each co-payment shall be deducted from the committed person's individual account. A committed person who has a chronic illness, as defined by Department rules and regulations, shall be exempt from the $2 co-payment for treatment of the chronic illness. A committed person shall not be subject to a $2 co-payment for follow-up visits ordered by a physician, who is employed by, or contracts with, the Department. A committed person who is indigent is exempt from the $2 co-payment and is entitled to receive medical or dental services on the same basis as a committed person who is financially able to afford the co-payment.

(g) Any person having sole custody of a child at the time of commitment or any woman giving birth to a child after her commitment, may arrange through the Department of Children and Family Services for suitable placement of the child outside of the Department of Corrections. The Director of the Department of Corrections may determine that there are special reasons why the child should continue in the custody of the mother until the child is 6 years old.

(h) The Department may provide Family Responsibility Services which may consist of, but not be limited to the following:

(1) family advocacy counseling;

(2) parent self-help group;

(3) parenting skills training;

(4) parent and child overnight program;

(5) parent and child reunification counseling, either separately or together, preceding the inmate's release; and

(6) a prerelease reunification staffing involving the family advocate, the inmate and the child's counselor, or both and the inmate.

(i) Prior to the release of any inmate who has a documented history of intravenous drug use, and upon the receipt of that inmate's written informed consent, the Department shall provide for the testing of such inmate for infection with human immunodeficiency virus (HIV) and any other identified causative agent of acquired immunodeficiency syndrome (AIDS). The testing provided under this subsection shall consist of an enzyme-linked immunosorbent assay (ELISA) test or such other test as may be approved by the Illinois Department of Public Health. If the test result is positive, the

Western Blot Assay or more reliable confirmatory test shall be administered. All inmates tested in accordance with the provisions of this subsection shall be provided with pre-test and post-test counseling. Notwithstanding any provision of this subsection to the contrary, the Department shall not be required to conduct the testing and counseling required by this subsection unless sufficient funds to cover all costs of such testing and counseling are appropriated for that purpose by the General Assembly.
(Source: P.A. 89-507, eff. 7-1-97; 89-659, eff. 1-1-97; 90-14, eff. 7-1-97; 90-590, eff. 1-1-99.)"; and
on page 6, by replacing lines 17 through 20 with the following:
"contact visits. Any committed person found in possession of illegal drugs or who fails a drug test shall not be permitted contact visits for a period of at least 6 months. Any committed person involved in gang activities or found guilty of assault committed against a Department employee shall not be permitted contact visits for a period of at least 6 months.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 4124**, as amended, was returned to the order of third reading.

On motion of Senator T. Walsh, **House Bill No. 4176** was recalled from the order of third reading to the order of second reading.

Senator T. Walsh offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 4176 by inserting immediately below line 5 the following:

"Section 5. Legislative intent. It is the intent of the legislature to lessen patients' waiting times, decrease administrative burdens for pharmacies, and improve care to patients by minimizing confusion, eliminating unnecessary paperwork, and streamlining the dispensing of prescription products paid for by third-party payors. This Act shall be broadly applied and interpreted to effectuate this purpose.

Section 10. Definitions. As used in this Act, the following terms have the meanings given in this Section.

"Department" means the Department of Insurance.

"Director" means the Director of Insurance.

[Apr. 6, 2000]

"Health benefit plan" means an accident and health insurance policy or certificate subject to the Illinois Insurance Code, a voluntary health services plan subject to the Voluntary Health Services Plans Act, a health maintenance organization subscriber contract subject to the Health Maintenance Organization Act, a plan provided by a multiple employer welfare arrangement, or a plan provided by another benefit arrangement. Without limitation, "health benefit plan" does not mean any of the following types of insurance:

(1) accident;

(2) credit;
(3) disability income;
(4) long-term or nursing home care;
(5) specified disease;
(6) dental or vision;
(7) coverage issued as a supplement to liability insurance;
(8) medical payments under automobile or homeowners;
(9) insurance under which benefits are payable with or without regard to fault as statutorily required to be contained in any liability policy or equivalent self-insurance;
(10) hospital income or indemnity;
(11) self-insured health benefit plans under the federal Employee Retirement Income Security Act of 1974.

Section 15. Uniform prescription drug information cards required.

(a) A health benefit plan that issues a card or other technology and provides coverage for prescription drugs or devices and an administrator of such a plan including, but not limited to, third-party administrators for self-insured plans and state-administered plans shall issue to its insureds a card or other technology containing uniform prescription drug information. The uniform prescription drug information card or other technology shall specifically identify and display the following mandatory data elements on the front of the card:

(1) BIN number;
(2) Processor control number if required for claims adjudication;
(3) Group number;
(4) Card issuer identifier;
(5) Cardholder ID number; and
(6) Cardholder name.

The uniform prescription drug information card or other technology shall specifically identify and display the following mandatory data elements on the back of the card:

(1) Claims submission names and addresses; and
(2) Help desk telephone numbers and names.

(b) A new uniform prescription drug information card or other technology shall be issued by a health benefit plan upon enrollment and reissued upon any change in the insured's coverage that affects mandatory data elements contained on the card.

Section 20. Applicability and enforcement.

(a) This Act applies to health benefit plans that are amended, delivered, issued, or renewed on and after the effective date of this amendatory Act of the 91st General Assembly.

(b) The Director may adopt rules necessary to implement the Department's responsibilities under this Act. To enforce the provisions of this Act, the Director may issue a cease and desist order or require a health benefit plan to submit a plan of correction for violations of this Act, or both. Subject to the provisions of the Illinois Administrative Procedure Act, the Director may, pursuant to Section 403A of the Illinois Insurance Code, impose upon a health

benefit plan an administrative fine not to exceed $250,000 for failure to submit a requested plan of correction, failure to comply with its plan or correction, or repeated violations of this Act.

Section 99. Effective date. This Act takes effect on January 1, 2001.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 4176**, as amended, was returned to the order of third reading.

At the hour of 3:44 o'clock p.m., Senator Maitland presiding.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Rauschenberger, **House Bill No. 390** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers

Noland
Obama
O'Daniel

O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Cronin, **House Bill No. 730** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle

Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm

[Apr. 6, 2000]

Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority

of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Sullivan, **House Bill No. 1992** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton

DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley

Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

[Apr. 6, 2000]

On motion of Senator Klemm, **House Bill No. 2899** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz

Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter

[Apr. 6, 2000]

Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives

thereof.

On motion of Senator O'Malley, **House Bill No. 2997** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker

Peterson
Petka
Radogno

Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Parker, **House Bill No. 3138** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link

Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator L. Walsh, **House Bill No. 3176** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio

[Apr. 6, 2000]

Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter

Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator O'Malley, **House Bill No. 3838** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

[Apr. 6, 2000]

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland

Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson

[Apr. 6, 2000]

Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 4:00 o'clock p.m., Senator Donahue presiding.

On motion of Senator Rauschenberger, **House Bill No. 4431** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski

Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka

[Apr. 6, 2000]

Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.

Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

Senator Dillard asked and obtained unanimous consent for the Journal to reflect that he inadvertently voted "Yes" instead of "Present" on the passage of **House Bill No. 4431**.

At the hour of 4:03 o'clock p.m., Senator Maitland presiding.

On motion of Senator Molaro, **House Bill No. 4698** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.

Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld

Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

Senator Munoz asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 4698**.

LEGISLATIVE MEASURES FILED

The following floor amendment to the Senate Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Bill 1316

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on

Rules:

Senate Amendment No. 1 to House Bill 3271
Senate Amendment No. 2 to House Bill 3756
Senate Amendment No. 1 to House Bill 4022

HOUSE BILL RECALLED

On motion of Senator Dillard, **House Bill No. 1841** was recalled from the order of third reading to the order of second reading.

Floor Amendments numbered 2 and 3 were tabled pursuant to Senate Rule 5-4a.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 1841, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 7-19, 7-46, 7-47, 7-49, 7-52, 7-53, 7-54, 7-55, 7-66, 15-6, 16-11, 17-9, 17-43, 18-5, 18-40, 19-2.1, 19-7, 19-8, 19-9, 19-10, 19-12.2, 19-15, 20-2, 20-2.1, 20-2.2, 20-7, 20-8, 20-9, and 20-15 and by adding Article 24C as follows:

(10 ILCS 5/7-19) (from Ch. 46, par. 7-19)

Sec. 7-19. Arrangement and printing of primary ballot. The primary ballot of each political party for each precinct shall be arranged and printed substantially in the manner following:

1. Designating words. At the top of the ballot shall be printed in large capital letters, words designating the ballot, if a Republican ballot, the designating words shall be: "REPUBLICAN PRIMARY BALLOT"; if a Democratic ballot the designating words shall be: "DEMOCRATIC PRIMARY BALLOT"; and in like manner for each political party.

2. Order of Names, Directions to Voters, etc. Beginning not less than one inch below designating words, the name of each office to be filled shall be printed in capital letters. Such names may be printed on the ballot either in a single column or in 2 or more columns and in the following order, to-wit:

President of the United States, State offices, congressional offices, delegates and alternate delegates to be elected from the State at large to National nominating conventions, delegates and alternate delegates to be elected from congressional districts to National nominating conventions, member or members of the State central committee, trustees of sanitary districts, county offices, judicial officers, city, village and incorporated town offices, town offices, or of such of the said offices as candidates are to be nominated for at such primary, and precinct, township or ward committeemen. If two or more columns are used, the foregoing offices to and including member of the State central committee shall be listed in the left-hand column and Senatorial offices, as defined in Section 8-3, shall be the first offices listed in the second column.

Below the name of each office shall be printed in small letters the directions to voters: "Vote for one"; "Vote for two"; "Vote for

three"; or a spelled number designating how many persons under that head are to be voted for.

Next to the name of each candidate for delegate or alternate delegate to a national nominating convention shall appear either (a) the name of the candidate's preference for President of the United States or the word "uncommitted" or (b) no official designation,

depending upon the action taken by the State central committee pursuant to Section 7-10.3 of this Act.

Below the name of each office shall be printed in capital letters the names of all candidates, arranged in the order in which their petitions for nominations were filed, except as otherwise provided in Sections 7-14 and 7-17 of this Article. Opposite and in front of the name of each candidate shall be printed a square and all squares upon the primary ballot shall be of uniform size. Spaces between the names of candidates under each office shall be uniform and sufficient spaces shall separate the names of candidates for one office from the names of candidates for another office, to avoid confusion and to permit the writing in of the names of other candidates.

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~Section~~ may be modified as required or authorized by Article 24, ~~or~~ Article 24A, or Article 24C, whichever is applicable.
(Source: P.A. 83-33.)

(10 ILCS 5/7-46) (from Ch. 46, par. 7-46)

Sec. 7-46. Voting of ballot; writing in names. On receiving from the primary judges a primary ballot of his party, the primary elector shall forthwith and without leaving the polling place, retire alone to one of the voting booths and prepare such primary ballot by marking a cross (X) in the square in front of and opposite the name of each candidate of his choice for each office to be filled, and for delegates and alternate delegates to national nominating conventions, and for committeemen, if committeemen are being elected at such primary.

Any primary elector may, instead of voting for any candidate for nomination or for committeeman or for delegate or alternate delegate to national nominating conventions, whose name is printed on the primary ballot, write in the name of any other person affiliated with such party as a candidate for the nomination for any office, or for committeeman, or for delegates or alternate delegates to national nominating conventions, and indicate his choice of such candidate or committeeman or delegate or alternate delegate, by placing to the left of and opposite the name thus written a square and placing in the square a cross (X).

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24, ~~or~~ Article 24A, or Article 24C, whichever is applicable.
(Source: Laws 1965, p. 2220.)

(10 ILCS 5/7-47) (from Ch. 46, par. 7-47)

Sec. 7-47. Folding and delivery of ballot; entry in poll book. Before leaving the booth, the primary elector shall fold his primary

ballot in such manner as to conceal the marks thereon. Such voter shall then vote forthwith by handing the primary judge the primary ballot received by such voter. Thereupon the primary judge shall deposit such primary ballot in the ballot box. One of the judges shall thereupon enter in the primary poll book the name of the primary elector, his residence and his party affiliation or shall make the entries on the official poll record as required by articles 4, 5 and 6, if any one of them is applicable.

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24, ~~or~~ Article 24A, or Article 24C, whichever is applicable.

(Source: Laws 1965, p. 2220.)

(10 ILCS 5/7-49) (from Ch. 46, par. 7-49)

Sec. 7-49. No adjournment or recess after opening of polls.

After the opening of the polls at a primary no adjournment shall be had nor recess taken until the canvass of all the votes is completed and the returns carefully enveloped and sealed.

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24, ~~or~~ Article 24A, or Article 24C, whichever is applicable.

(Source: Laws 1965, p. 2220.)

(10 ILCS 5/7-52) (from Ch. 46, par. 7-52)

Sec. 7-52. Precinct canvass of votes. Immediately upon closing the polls, the primary judges shall proceed to canvass the votes in the manner following:

(1) They shall separate and count the ballots of each political party.

(2) They shall then proceed to ascertain the number of names entered on the applications for ballot under each party affiliation.

(3) If the primary ballots of any political party exceed the number of applications for ballot by voters of such political party, the primary ballots of such political party shall be folded and replaced in the ballot box, the box closed, well shaken and again opened and one of the primary judges, who shall be blindfolded, shall draw out so many of the primary ballots of such political party as shall be equal to such excess. Such excess ballots shall be marked "Excess-Not Counted" and signed by a majority of the judges and shall be placed in the "After 6:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots;

(4) The primary judges shall then proceed to count the primary ballots of each political party separately; and as the primary judges shall open and read the primary ballots, 3 of the judges shall carefully and correctly mark upon separate tally sheets the votes which each candidate of the party whose name is written or printed on the primary ballot has received, in a separate column for that purpose, with the name of such candidate, the name of his political party and the name of the office for which he is a candidate for

nomination at the head of such column.

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24, ~~or~~ Article 24A, or Article 24C, whichever is applicable.
(Source: P.A. 80-484.)

(10 ILCS 5/7-53) (from Ch. 46, par. 7-53)

Sec. 7-53. Tally sheets; certificate of results. As soon as the ballots of a political party shall have been read and the votes of the political party counted, as provided in the last above Section, the 3 judges in charge of the tally sheets shall foot up the tally sheets so as to show the total number of votes cast for each candidate of the political party and for each candidate for State Central committeeman and precinct committeeman, township committeeman or ward committeeman, and delegate and alternate delegate to National nominating conventions, and certify the same to be correct. Thereupon, the primary judges shall set down in a certificate of results on the tally sheet, under the name of the political party, the name of each candidate voted for upon the primary ballot, written at full length, the name of the office for which he is a candidate for nomination or for committeeman, or delegate or alternate delegate to National nominating conventions, the total number of votes which the candidate received, and they shall also set down the total number of ballots voted by the primary electors of the political party in

the precinct. The certificate of results shall be made substantially in the following form:

..... Party

At the primary election held in the .... precinct of the (1) *township of ...., or (2) *City of ...., or (3) *.... ward in the city of .... on (insert date), the primary electors of the .... party voted .... ballots, and the respective candidates whose names were written or printed on the primary ballot of the .... party, received respectively the following votes:

Name of Candidate,	Title of Office,	No. of Votes
John Jones	Governor	100
Sam Smith	Governor	70
Frank Martin	Attorney General	150
William Preston	Rep. in Congress	200
Frederick John	Circuit Judge	50

*Fill in either (1), (2) or (3).

And so on for each candidate.

We hereby certify the above and foregoing to be true and correct.

Dated (insert date).

.....
Name Address
.....
Name Address
.....
Name Address
.....

Name Address

.....

Name Address

Judges of Primary

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~Section~~ may be modified as required or authorized by Article 24, ~~and~~ Article 24A, or Article 24C, whichever is applicable.

(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/7-54) (from Ch. 46, par. 7-54)

Sec. 7-54. Binding and sealing ballots; report of results. After the votes of a political party have been counted and set down and the tally sheets footed and the entry made in the primary poll books or return, as above provided, all the primary ballots of said political party, except those marked "defective" or "objected to" shall be securely bound, lengthwise and in width, with a soft cord having a minimum tensile strength of 60 pounds separately for each political party in the order in which said primary ballots have been read, and shall thereupon be carefully sealed in an envelope, which envelope shall be endorsed as follows:

"Primary ballots of the.... party of the.... precinct of the county of.... and State of Illinois."

Below each endorsement, each primary judge shall write his name.

Immediately thereafter the judges shall designate one of their number to go to the nearest telephone and report to the office of the county clerk or board of election commissioners (as the case may be) the results of such primary. Such clerk or board shall keep his or its office open after the close of the polls until he or it has received from each precinct under his or its jurisdiction the report above provided for. Immediately upon receiving such report such clerk or board shall cause the same to be posted in a public place in his or its office for inspection by the public. Immediately after making such report such judge shall return to the polling place.

[Apr. 6, 2000]

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24, ~~or~~ Article 24A, or Article 24C, whichever is applicable.

(Source: P.A. 81-1433.)

(10 ILCS 5/7-55) (from Ch. 46, par. 7-55)

Sec. 7-55. Delivery and acceptance of election materials. The primary poll books or the official poll record, and the tally sheets with the certificates of the primary judges written thereon, together with the envelopes containing the ballots, including the envelope containing the ballots marked "defective" or "objected to", shall be carefully enveloped and sealed up together, properly endorsed, and the primary judges shall elect 2 judges (one from each of the major political parties), who shall immediately deliver the same to the clerk from whom the primary ballots were obtained, which clerk shall safely keep the same for 2 months, and thereafter shall safely keep the poll books until the next primary. Each election authority shall keep the office of the election authority, or any receiving stations

designated by such authority, open for at least 12 consecutive hours after the polls close, or until the judges of each precinct under the jurisdiction of the election authority have delivered to the election authority all the above materials sealed up together and properly endorsed as provided herein. Materials delivered to the election authority which are not in the condition required by this Section shall not be accepted by the election authority until the judges delivering the same make and sign the necessary corrections. Upon acceptance of the materials by the election authority, the judges delivering the same shall take a receipt signed by the election authority and stamped with the time and date of such delivery. The election judges whose duty it is to deliver any materials as above provided shall, in the event such materials cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

The county clerk or board of election commissioners shall deliver a copy of each tally sheet to the county chairmen of the two largest political parties.

Where voting machines, ~~or~~ electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article ~~section~~ may be modified as required or authorized by Article 24, ~~and~~ Article 24A, or Article 24C, whichever is applicable.
(Source: P.A. 83-764.)

(10 ILCS 5/7-66)

Sec. 7-66. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 7, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.
(Source: P.A. 89-394, eff. 1-1-97.)

[Apr. 6, 2000]

(10 ILCS 5/15-6)

Sec. 15-6. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 15, the provisions of Article 24B or Article 24C, as the

case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.
(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/16-11)

Sec. 16-11. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 16, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.
(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

Sec. 17-9. Any person desiring to vote shall give his name and, if required to do so, his residence to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear, and audible; the judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom absentee ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee ballot shall not be permitted to vote in the precinct unless that voter submits to the judges of election~~, for cancellation or revocation,~~ his absentee ballot. In the case that the voter's absentee ballot is not present in the polling place, it shall be sufficient for any such voter to submit to the judges of election in lieu of his absentee ballot, either a portion of such ballot if torn or mutilated, or an affidavit executed before the judges of election specifying that the voter never received an absentee ballot~~, or an affidavit executed before the judges of election specifying that the voter desires to cancel or revoke any absentee ballot that may have been cast in the voter's name~~. All applicable provisions of Articles 4, 5 or 6 shall be complied with

and if such name is found on the register of voters by the officer having charge thereof, he shall likewise repeat said name, and the voter shall be allowed to enter within the proximity of the voting booths, as above provided. One of the judges shall give the voter one, and only one of each ballot to be voted at the election, on the back of which ballots such judge shall indorse his initials in such manner that they may be seen when each such ballot is properly folded, and the voter's name shall be immediately checked on the register list. In those election jurisdictions where perforated ballot cards are utilized of the type on which write-in votes can be cast above the perforation, the election authority shall provide a space both above and below the perforation for the judge's initials, and the judge shall endorse his or her initials in both spaces. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall, when being handed to the voter, be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter. At all elections, when a registry may be required, if the name of any person so desiring to vote at such election is not found on the register of voters, he or she shall not receive a ballot until he or she shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he or she shall not receive a ballot until he or she shall have established his right to vote in the manner provided hereinafter; and if he or she shall be challenged after he has received his ballot, he shall not be permitted to vote until he or she has fully complied with such requirements of the law upon being challenged. Besides the election officer, not more than 2 voters in excess of the whole number of voting booths provided shall be allowed within the proximity of the voting booths at one time. The provisions of this Act, so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to vote, who are, at the time of the election, or at any time within 60 days prior to such election have been engaged in the military or naval service of the United States, and who appear personally at the polling place on election day and produce to the judges of election satisfactory evidence thereof, but such persons, if otherwise qualified to vote, shall be permitted to vote at such election without previous registration.

All such persons shall also make an affidavit which shall be in substantially the following form:

State of Illinois,)
) ss.
County of .....)

..... Precinct ..... Ward

I, ..., do solemnly swear (or affirm) that I am a citizen of the United States, of the age of 18 years or over, and that within the past 60 days prior to the date of this election at which I am applying to vote, I have been engaged in the .... (military or naval) service of the United States; and I am qualified to vote under and by virtue of the Constitution and laws of the State of Illinois, and that I am a legally qualified voter of this precinct and ward except that I have, because of such service, been unable to register as a voter; that I now reside at .... (insert street and number, if any)

in this precinct and ward; that I have maintained a legal residence in this precinct and ward for 30 days and in this State 30 days next preceding this election.

[Apr. 6, 2000]

.....

Subscribed and sworn to before me on (insert date).

.....

Judge of Election.

The affidavit of any such person shall be supported by the affidavit of a resident and qualified voter of any such precinct and ward, which affidavit shall be in substantially the following form:

State of Illinois,)
) ss.
County of .....)

..... Precinct ..... Ward

I, ..., do solemnly swear (or affirm), that I am a resident of this precinct and ward and entitled to vote at this election; that I am acquainted with .... (name of the applicant); that I verily believe him to be an actual bona fide resident of this precinct and ward and that I verily believe that he or she has maintained a legal residence therein 30 days and in this State 30 days next preceding this election.

.....

Subscribed and sworn to before me on (insert date).

.....

Judge of Election.

All affidavits made under the provisions of this Section shall be enclosed in a separate envelope securely sealed, and shall be transmitted with the returns of the elections to the county clerk or to the board of election commissioners, who shall preserve the said affidavits for the period of 6 months, during which period such affidavits shall be deemed public records and shall be freely open to examination as such.

(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/17-43)

Sec. 17-43. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 17, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

Sec. 18-5. Questioning of person desiring to vote; receipt of ballots. Any person desiring to vote and whose name is found upon the register of voters by the person having charge thereof, shall then be questioned by one of the judges as to his nativity, his term of residence at present address, precinct, State and United States, his age, whether naturalized and if so the date of naturalization papers and court from which secured, and he shall be asked to state his residence when last previously registered and the date of the election for which he then registered. The judges of elections shall check each application for ballot against the list of voters

registered in that precinct to whom absentee ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee ballot shall not be permitted to vote in the precinct unless that voter submits to the judges of election~~, for cancellation or revocation,~~ his absentee ballot. In the case that the voter's absentee ballot is not present in the polling place, it shall be sufficient for any such voter to submit to the judges of election in lieu of his absentee ballot, either a portion of such ballot if torn or mutilated, or an affidavit executed before the judges of election specifying that the voter never received an absentee ballot~~, or an affidavit executed before the judges of election specifying that the voter desires to cancel or revoke any absentee ballot that may have been cast in the voter's name~~. If such person so registered shall be challenged as disqualified, the party challenging shall assign his reasons therefor, and thereupon one of the judges shall administer to him an oath to answer questions, and if he shall take the oath he shall then be questioned by the judge or judges touching such cause of challenge, and touching any other cause of disqualification. And he may also be questioned by the person challenging him in regard to his qualifications and identity. But if a majority of the judges are of the opinion that he is the person so registered and a qualified voter, his vote shall then be received accordingly. But if his vote be rejected by such judges, such person may afterward produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of the judges, in which it shall be stated how long he has resided in such precinct, and state; that he is a citizen of the United States, and is a duly qualified voter in such precinct, and that he is the identical person so registered. In addition to such an affidavit, the person so challenged shall provide to the judges of election proof of residence by producing 2 forms of identification showing the person's current residence address, provided that such identification to the person at his current residence address and postmarked not earlier than 30 days prior to the date of the election, or the person shall procure a witness personally known to the judges of election, and resident in the precinct (or district), or who shall be proved by some legal voter of such precinct or

district, known to the judges to be such, who shall take the oath following, viz:

I do solemnly swear (or affirm) that I am a resident of this election precinct (or district), and entitled to vote at this election, and that I have been a resident of this State for 30 days last past, and am well acquainted with the person whose vote is now offered; that he is an actual and bona fide resident of this election precinct (or district), and has resided herein 30 days, and as I verily believe, in this State, 30 days next preceding this election.

The oath in each case may be administered by one of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths. Also supported by an affidavit by a registered voter residing in such precinct, stating his own residence, and that he knows such person; and that he does reside at the place mentioned and has resided in such precinct and state for the length of time as stated by such person, which shall be subscribed and sworn to in the same way. Whereupon the vote of such person shall be received, and entered as other votes. But such judges, having charge of such registers, shall state in their respective books the facts in such case, and the affidavits, so delivered to the judges, shall be preserved and returned to the

office of the commissioners of election. Blank affidavits of the character aforesaid shall be sent out to the judges of all the precincts, and the judges of election shall furnish the same on demand and administer the oaths without criticism. Such oaths, if administered by any other officer than such judge of election, shall not be received. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter, and in this fashion the ballots shall be handed to the voter by the judge.

The voter shall, upon quitting the voting booth, deliver to one of the judges of election all of the ballots, properly folded, which he received. The judge of election to whom the voter delivers his ballots shall not accept the same unless all of the ballots given to the voter are returned by him. If a voter delivers less than all of the ballots given to him, the judge to whom the same are offered shall advise him in a voice clearly audible to the other judges of election that the voter must return the remainder of the ballots. The statement of the judge to the voter shall clearly express the fact that the voter is not required to vote such remaining ballots but that whether or not he votes them he must fold and deliver them to the judge. In making such statement the judge of election shall not indicate by word, gesture or intonation of voice that the unreturned ballots shall be voted in any particular manner. No new voter shall be permitted to enter the voting booth of a voter who has failed to deliver the total number of ballots received by him until such voter has returned to the voting booth pursuant to the judge's request and

again quit the booth with all of the ballots required to be returned by him. Upon receipt of all such ballots the judges of election shall enter the name of the voter, and his number, as above provided in this section, and the judge to whom the ballots are delivered shall immediately put the ballots into the ballot box. If any voter who has failed to deliver all the ballots received by him refuses to return to the voting booth after being advised by the judge of election as herein provided, the judge shall inform the other judges of such refusal, and thereupon the ballot or ballots returned to the judge shall be deposited in the ballot box, the voter shall be permitted to depart from the polling place, and a new voter shall be permitted to enter the voting booth.

The judge of election who receives the ballot or ballots from the voter shall announce the residence and name of such voter in a loud voice. The judge shall put the ballot or ballots received from the voter into the ballot box in the presence of the voter and the judges of election, and in plain view of the public. The judges having charge of such registers shall then, in a column prepared thereon, in the same line of, the name of the voter, mark "Voted" or the letter "V".

No judge of election shall accept from any voter less than the full number of ballots received by such voter without first advising the voter in the manner above provided of the necessity of returning all of the ballots, nor shall any such judge advise such voter in a manner contrary to that which is herein permitted, or in any other manner violate the provisions of this section; provided, that the acceptance by a judge of election of less than the full number of ballots delivered to a voter who refuses to return to the voting booth after being properly advised by such judge shall not be a violation of this Section.

[Apr. 6, 2000]

(Source: P.A. 89-653, eff. 8-14-96.)

(10 ILCS 5/18-40)

Sec. 18-40. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 18, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

Sec. 19-2.1. At the consolidated primary, general primary, consolidated, and general elections, electors entitled to vote by absentee ballot under the provisions of Section 19-1 may vote in person at the office of the municipal clerk, if the elector is a resident of a municipality not having a board of election commissioners, or at the office of the township clerk or, in counties not under township organization, at the office of the road district clerk if the elector is not a resident of a municipality; provided, in each case that the municipal, township or road district clerk, as the case may be, is authorized to conduct in-person absentee voting pursuant to this Section. Absentee voting in such municipal and township clerk's offices under this Section shall be conducted from the 22nd day through the day before the election.

Municipal and township clerks (or road district clerks) who have regularly scheduled working hours at regularly designated offices other than a place of residence and whose offices are open for business during the same hours as the office of the election authority shall conduct in-person absentee voting for said elections. Municipal and township clerks (or road district clerks) who have no regularly scheduled working hours but who have regularly designated offices other than a place of residence shall conduct in-person absentee voting for said elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on Saturdays, but not during such hours as the office of the election authority is closed, unless the clerk files a written waiver with the election authority not later than July 1 of each year stating that he or she is unable to conduct such voting and the reasons therefor. Such clerks who conduct in-person absentee voting may extend their hours for that purpose to include any hours in which the election authority's office is open. Municipal and township clerks (or road district clerks) who have no regularly scheduled office hours and no regularly designated offices other than a place of residence may not conduct in-person absentee voting for said elections. The election authority may devise alternative methods for in-person absentee voting before said elections for those precincts located within the territorial area of a municipality or township (or road district) wherein the clerk of such municipality or township (or road district) has waived or is not entitled to conduct such voting. In addition, electors may vote by absentee ballot under the

provisions of Section 19-1 at the office of the election authority having jurisdiction over their residence.

In conducting absentee voting under this Section, the respective clerks shall not be required to verify the signature of the absentee voter by comparison with the signature on the official registration record card. However, the clerk shall reasonably ascertain the identity of such applicant, shall verify that each such applicant is a registered voter, and shall verify the precinct in which he or she is registered and the proper ballots of the political subdivisions in which the applicant resides and is entitled to vote, prior to providing any absentee ballot to such applicant. The clerk shall verify the applicant's registration and from the most recent poll

list provided by the county clerk, and if the applicant is not listed on that poll list then by telephoning the office of the county clerk.

Absentee voting procedures in the office of the municipal, township and road district clerks shall be subject to all of the applicable provisions of this Article 19. Pollwatchers may be appointed to observe in-person absentee voting procedures at the office of the municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers shall be residents of the county and possess valid pollwatcher credentials. All requirements in this Article applicable to election authorities shall apply to the respective local clerks, except where inconsistent with this Section.

In election jurisdictions that deliver absentee ballots to the polling place to be counted by the precinct judges on election day, the sealed absentee ballots in their carrier envelope shall be delivered by the respective clerks, or by the election authority on behalf of a clerk if the clerk and the election authority agree, to the proper polling place before the close of the polls on the day of the general primary, consolidated primary, consolidated, or general election.

In election jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority on election day, the sealed absentee ballots in their carrier envelope shall be delivered to the office of the election authority by the respective clerks before the close of the polls on the day of the general primary, consolidated primary, consolidated, or general election.

Not more than 23 days before the ~~nonpartisan,~~ general and consolidated elections, the county clerk shall make available to those municipal, township and road district clerks conducting in-person absentee voting within such county, a sufficient number of applications, absentee ballots, envelopes, and printed voting instruction slips for use by absentee voters in the offices of such clerks. The respective clerks shall receipt for all ballots received, shall return all unused or spoiled ballots to the county clerk on the day of the election and shall strictly account for all ballots received.

The ballots delivered to the respective clerks shall include absentee ballots for each precinct in the municipality, township or road district, or shall include such separate ballots for each political subdivision conducting an election of officers or a referendum on that election day as will permit any resident of the municipality, township or road district to vote absentee in the office of the proper clerk.

[Apr. 6, 2000]

The clerks of all municipalities, townships and road districts may distribute applications for absentee ballot for the use of voters who wish to mail such applications to the appropriate election

authority. Such applications for absentee ballots shall be made on forms provided by the election authority. Duplication of such forms by the municipal, township or road district clerk is prohibited.
(Source: P.A. 91-210, eff. 1-1-00.)

(10 ILCS 5/19-7) (from Ch. 46, par. 19-7)

Sec. 19-7. Upon receipt of such absent voter's ballot, the election authority shall forthwith enclose the same unopened, together with the application made by said absent voter in a large or carrier envelope which shall be securely sealed and endorsed with the name and official title of such officer and the words, "This envelope contains an absent voter's ballot and must be opened on election day," together with the number and description of the precinct in which said ballot is to be voted, and such officer shall thereafter safely keep the same in his office until counted by him as provided in this Article ~~the next section~~.

Except as provided in Article 24C, the election authority may choose (i) to have the absentee ballots delivered before the closing of the polls to their proper polling places for counting by the precinct judges or (ii) to have the absentee ballots received after 12:00 noon on election day or too late for delivery before the closing of the polls on election day counted in the office of the election authority by one or more panels of election judges appointed in the manner provided for in this Code.
(Source: P.A. 81-155.)

(10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

Sec. 19-8. In election jurisdictions that deliver absentee ballots to the polling place to be counted by the precinct judges, the provisions of this Section shall apply. In case an absent voter's ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in such package and therewith delivered to the judges of such precinct. In case the official ballots for such precinct have been delivered to the judges of election at the time of the receipt by the election authority of such absent voter's ballot, such authority shall immediately enclose said envelope containing the absent voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which such absent voter is a qualified elector, and the words "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed," mailing the same, postage prepaid, to such judges of election, or if more convenient, such officer may deliver such absent voter's ballot to the judges of election in person or by duly deputized agent, said officer to secure his receipt for delivery of such ballot or ballots. Absent voters' ballots returned by absentee voters to the election authority after the closing of the polls on an election day shall be endorsed by the election authority receiving the same with the day and hour of receipt and shall be safely kept unopened by such election authority for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed in like manner as the used ballots of such election.

All absent voters' ballots received by the election authority

after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, and Special Write-In Absentee Voter's Blank Ballots, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, and all absent voters' ballots in election jurisdictions that use voting systems authorized by Article 24C shall be endorsed by the election authority receiving the same with the day and hour of receipt and shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision; however, all absentee ballots received by the election authority by the close of absentee voting in the office of the election authority on the day preceding the day of election shall be delivered to the proper precinct polling places in time to be counted by the judges of election.

Such counting shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. Such counting shall continue until all absent voters' ballots received as aforesaid have been counted.

The procedures set forth in Section 19-9 of this Act and Articles 17 and 18 of this Code, shall apply to all absent voters' ballots counted under this provision, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file; except that votes shall be recorded by ~~without regard to~~ precinct ~~designation, except for precinct offices~~.

(Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/19-9) (from Ch. 46, par. 19-9)

Sec. 19-9. At the close of the regular balloting and at the close of the polls the judges of election of each voting precinct or the panel or panels of judges in the office of the election authority, as the case may be, shall proceed to cast the absent voter's ballot separately, and as each absent voter's ballot is taken shall open the outer or carrier envelope, announce the absent voter's name, and compare the signature upon the application with the signature upon the certification on the ballot envelope and the signature of the voter on the permanent voter registration record card. In case the judges find the certifications properly executed, that the signatures correspond, that the applicant is a duly qualified elector in the precinct and the applicant has not been present and voted within the county where he represents himself to be a qualified elector on such election day, they shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the certification thereon, or mark or tear the ballots therein and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and having endorsed the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and enter the absent voter's name in the poll book the same as if he had been present and voted in person. The judges shall place the

absentee ballot certification envelopes in a separate envelope as per the direction of the election authority. Such envelope containing the absentee ballot certification envelopes shall be returned to the election authority and preserved in like manner as the official poll record.

In case such signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct or that the ballot envelope is open or has been opened and resealed, or that said voter is present and has voted within the county where he represents

himself to be a qualified elector on the day of such election at such election such previously cast vote shall not be allowed, but without opening the absent voter's envelope the judge of such election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains more than one ballot of any kind, said ballots shall not be counted, but shall be marked "Rejected", giving the reason therefor.

The absent voters' envelopes and affidavits and the absent voters' envelope with its contents unopened, when such absent vote is rejected shall be retained and preserved in the manner as now provided for the retention and preservation of official ballots rejected at such election.

As applied to an absentee ballot of a permanently disabled voter who has complied with Section 19-12.1, the word "certification" as used in this Section shall be construed to refer to the unsworn statement subscribed to by the voter pursuant to Section 19-12.1. (Source: P.A. 87-1052.)

(10 ILCS 5/19-10) (from Ch. 46, par. 19-10)

Sec. 19-10. Pollwatchers may be appointed to observe in-person absentee voting procedures at the office of the election authority as well as at municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers shall be residents of the county and possess valid pollwatcher credentials.

In the polling place on election day, pollwatchers shall be permitted to be present during the casting of the absent voters' ballots and the vote of any absent voter may be challenged for cause the same as if he were present and voted in person, and the judges of the election or a majority thereof shall have power and authority to hear and determine the legality of such ballot; Provided, however, that if a challenge to any absent voter's right to vote is sustained, notice of the same must be given by the judges of election by mail addressed to the voter's place of residence.

Where ~~certain~~ absent voters' ballots are counted on the day of the election in the office of the election authority as provided in this Article ~~Section 19-8 of this Act~~, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. Such pollwatchers shall be subject to the same provisions

as are provided for pollwatchers in Sections 7-34 and 17-23 of this Code, and shall be permitted to observe the election judges making the signature comparison between that which is on the absentee ballot application and that which is on the ballot envelope and ~~that which is on~~ the permanent voter registration record card taken from the master file.
(Source: P.A. 86-875.)

(10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

Sec. 19-12.2. Voting by physically incapacitated electors who have made proper application to the election authority not later than 5 days before the regular primary and general election of 1980 and before each election thereafter shall be conducted on the premises of facilities licensed or certified pursuant to the Nursing Home Care Act for the sole benefit of residents of such facilities. Such voting shall be conducted during any continuous period sufficient to allow all applicants to cast their ballots between the hours of 9 a.m. and 7 p.m. either on the Friday, Saturday, Sunday or Monday immediately preceding the regular election. This absentee voting on one of said

days designated by the election authority shall be supervised by two election judges who must be selected by the election authority in the following order of priority: (1) from the panel of judges appointed for the precinct in which such facility is located, or from a panel of judges appointed for any other precinct within the jurisdiction of the election authority in the same ward or township, as the case may be, in which the facility is located or, only in the case where a judge or judges from the precinct, township or ward are unavailable to serve, (3) from a panel of judges appointed for any other precinct within the jurisdiction of the election authority. The two judges shall be from different political parties. Not less than 30 days before each regular election, the election authority shall have arranged with the chief administrative officer of each facility in his or its election jurisdiction a mutually convenient time period on the Friday, Saturday, Sunday or Monday immediately preceding the election for such voting on the premises of the facility and shall post in a prominent place in his or its office a notice of the agreed day and time period for conducting such voting at each facility; provided that the election authority shall not later than noon on the Thursday before the election also post the names and addresses of those facilities from which no applications were received and in which no supervised absentee voting will be conducted. All provisions of this Code applicable to pollwatchers shall be applicable herein. To the maximum extent feasible, voting booths or screens shall be provided to insure the privacy of the voter. Voting procedures shall be as described in Article 17 of this Code, except that ballots shall be treated as absentee ballots and shall not be counted until the close of the polls on the following day. After the last voter has concluded voting, the judges shall seal the ballots in an envelope and affix their signatures across the flap of the envelope. Immediately thereafter, the judges shall bring the sealed envelope to the office of the election authority who shall preserve the ballots in the office of the election authority in those

jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority or shall deliver the ~~such~~ ballots to the proper precinct polling places prior to the closing of the polls on the day of election in election jurisdictions that count absentee ballots in the polling place. Provided, that in election jurisdictions that count absentee ballots in the polling place the election authority may arrange for the judges who conduct such voting on the Monday before the election to deliver the sealed envelope directly to the proper precinct polling place on the day of election and shall announce such procedure in the 30 day notice heretofore prescribed. The judges of election shall also report to the election authority the name of any applicant in the facility who, due to unforeseen circumstance or condition or because of a religious holiday, was unable to vote. In this event, the election authority may appoint a qualified person from his or its staff to deliver the ballot to such applicant on the day of election. This staff person shall follow the same procedures prescribed for judges conducting absentee voting in such facilities; but shall return the ballot to the proper precinct polling place before the polls close. However, if the facility from which the application was made is also used as a regular precinct polling place for that voter, voting procedures heretofore prescribed may be implemented by 2 of the election judges of opposite party affiliation assigned to that polling place during the hours of voting on the day of the election. Judges of election shall be compensated not less than $25.00 for conducting absentee voting in such facilities.

[Apr. 6, 2000]

Not less than 120 days before each regular election, the Department of Public Health shall certify to the State Board of Elections a list of the facilities licensed or certified pursuant to the Nursing Home Care Act, and shall indicate the approved bed capacity and the name of the chief administrative officer of each such facility, and the State Board of Elections shall certify the same to the appropriate election authority within 20 days thereafter. (Source: P.A. 86-820; 86-875; 86-1028; 87-1052.)

(10 ILCS 5/19-15)

Sec. 19-15. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 19, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in

conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.
(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/20-2) (from Ch. 46, par. 20-2)

Sec. 20-2. Any member of the United States Service, otherwise qualified to vote, who expects in the course of his duties to be absent from the county in which he resides on the day of holding any election may make application for an absentee ballot to the election authority having jurisdiction over his precinct of residence on the official postcard or on a form furnished by the election authority as prescribed by Section 20-3 of this Article not less than 10 days before the election. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot. No registration shall be required in order to vote pursuant to this Section.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise. Ballots voted under this Section must be returned ~~to the election authority~~ in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority.
(Source: P.A. 86-875.)

(10 ILCS 5/20-2.1) (from Ch. 46, par. 20-2.1)

Sec. 20-2.1. Citizens of the United States temporarily residing outside the territorial limits of the United States who are not

registered but otherwise qualified to vote and who expect to be absent from their county of residence during the periods of voter registration provided for in Articles 4, 5 or 6 of this Code and on the day of holding any election, may make simultaneous application to the election authority having jurisdiction over their precinct of residence for an absentee registration and absentee ballot not less than 30 days before the election. Such application may be made on the official postcard or on a form furnished by the election authority as prescribed by Section 20-3 of this Article. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the absentee

ballot to the polling place to be used in lieu of the original application for ballot.

Registration shall be required in order to vote pursuant to this Section. However, if the election authority receives one of such applications after 30 days but not less than 10 days before a Federal election, said applicant shall be sent a ballot containing the Federal offices only and registration for that election shall be waived.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise.

Ballots under this Section must be returned ~~to the election authority~~ in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in those jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls on election day in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority.

(Source: P.A. 86-875.)

(10 ILCS 5/20-2.2) (from Ch. 46, par. 20-2.2)

Sec. 20-2.2. Any non-resident civilian citizen, otherwise qualified to vote, may make application to the election authority having jurisdiction over his precinct of former residence for an absentee ballot containing the Federal offices only not less than 10 days before a Federal election. Such application may be made only on the official postcard. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year at which Federal offices are filled. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year at which Federal offices are filled. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot. No registration shall be required in order to vote pursuant to this Section. Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise. Ballots under this Section must be returned ~~to the election authority~~ in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in those jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls on election day in

those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority.

(Source: P.A. 86-875.)

(10 ILCS 5/20-7) (from Ch. 46, par. 20-7)

Sec. 20-7. Upon receipt of such absent voter's ballot, the

officer or officers above described shall forthwith enclose the same unopened, together with the application made by said absent voter in a large or carrier envelope which shall be securely sealed and endorsed with the name and official title of such officer and the words, "This envelope contains an absent voter's ballot and must be opened on election day," together with the number and description of the precinct in which said ballot is to be voted, and such officer shall thereafter safely keep the same in his office until counted by him as provided in this Article ~~the next section~~.

Except as provided in Article 24C, the election authority may choose (i) to deliver the absentee ballots to the proper precinct polling place before the close of the polls on the election day to be counted by the precinct judges or (ii) to have the absentee ballots received after 12:00 noon on election day or too late for delivery before the closing of the polls on election day counted in the office of the election authority by one or more panels of election judges appointed in the manner provided for in this Code.

(Source: P.A. 81-155.)

(10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

Sec. 20-8. (a) In election jurisdictions that count absentee ballots in the polling place, this subsection shall apply.

In case any such ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in the same package with the other official ballots and therewith delivered to the judges of such precinct. In case the official ballots for such precinct have been delivered to the judges of election at the time of the receipt by the election authority of such absent voter's ballot, it shall immediately enclose said envelope containing the absent voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which such absent voter is a qualified elector, and the words, "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed," mailing the same, postage prepaid, to such judges of election, or if more convenient he or it may deliver such absent voter's ballot to the judges of election in person or by duly deputized agent and secure his receipt for delivery of such ballot or ballots. Absent voter's ballots postmarked after 11:59 p.m. of the day immediately preceding the election returned to the election authority too late to be delivered to the proper polling place before the closing of the polls on the day of election shall be endorsed by the person receiving the same with the day and hour of receipt and shall be safely kept unopened by the election authority for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed in like manner as the used ballots of such election.

(b) All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, except ballots returned by mail postmarked after

midnight preceding the opening of the polls on election day, and all absent voters' ballots in election jurisdictions that use voting systems authorized by Article 24C shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision.

Such counting shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. Such counting shall continue until all absent voters' ballots received as aforesaid have been counted.

The procedures set forth in Section 19-9 of this Act and Articles 17 and 18 of this Code, shall apply to all absent voters' ballots counted under this provision; except that votes shall be recorded by ~~without regard to~~ precinct ~~designation~~.

Where ~~certain~~ absent voters' ballots are counted in the office of the election authority as provided in this Section, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned.

(Source: P.A. 84-861.)

(10 ILCS 5/20-9) (from Ch. 46, par. 20-9)

Sec. 20-9. At the close of the regular balloting and at the close of the polls the judges of election of each voting precinct or the panel or panels of judges in the office of the election authority, as the case may be, shall proceed to cast the absent voter's ballot separately, and as each absent voter's ballot is taken shall open the outer or carrier envelope, announce the absent voter's name, and compare the signature upon the application with the signature upon the registration record card if the voter is registered or upon the certification on the ballot envelope if there is no registration card. In case the judges find the certifications properly executed, that the signatures correspond, that the applicant is a duly qualified elector in the precinct and the applicant has not been present and voted within the county where he represents himself to be a qualified elector on such election day, they shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the certification thereon, or mark or tear the ballots therein and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and having endorsed or initialed the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and mark the voter's registration record card accordingly or file the application in lieu thereof. The judges shall place the absentee ballot certification envelopes in a separate envelope as per the direction of the election authority. Such envelope containing the absentee ballot certification envelopes shall be returned to the election authority and preserved in like manner as the official poll record.

In case the signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct or that the ballot envelope is open or has been opened and resealed (except for the purpose of military censorship), or that said voter is present and has voted within the county where he represents himself to be a

qualified elector on the day of such election at such election such previously cast vote shall not be allowed, but without opening the absent voter's envelope the judge of such election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains duplicate ballots, said ballots shall not be counted, but shall be marked "Rejected", giving

the reason therefor.

The absent voters' envelopes and certifications and the absent voters' envelope with its contents unopened, when such absent vote is rejected shall be retained and preserved in the manner as now provided for the retention and preservation of official ballots rejected at such election.

(Source: P.A. 87-1052.)

(10 ILCS 5/20-15)

Sec. 20-15. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles ~~the Article~~ are in conflict with the provisions of this Article 20, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with ~~either~~ Article 24B, Article 24C, or the administrative rules of the State Board of Elections.

(Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/Art. 24C heading new)

ARTICLE 24C. DIRECT RECORDING ELECTRONIC VOTING SYSTEMS

(10 ILCS 5/24C-1 new)

Sec. 24C-1. Purpose. The purpose of this Article is to authorize the use of Direct Recording Electronic Voting Systems approved by the State Board of Elections. In a Direct Recording Electronic Voting System, voters cast votes by means of a ballot display provided with mechanical or electro-optical devices that can be activated by the voters to mark their choices for the candidates of their preference and for or against public questions. The voting devices shall be capable of instantaneously recording the votes, storing the votes, and tabulating the votes at the precinct. This Article authorizes the use of Direct Recording Electronic Voting Systems for in-precinct counting applications, except that absentee ballots must be counted at the office of the election authority.

(10 ILCS 5/24C-2 new)

Sec. 24C-2. Definitions. As used in this Article:

"Audit trail" means a continuous trail of evidence linking

individual transactions related to the vote count with the summary record of vote totals, but that shall not allow for the identification of the voter. It shall permit verification of the accuracy of the count and detection and correction of problems and shall provide a record of each step taken in: defining and producing ballots and generating related software for specific elections; installing ballots and software; testing system readiness; casting and tabulating ballots; and producing reports of vote totals. The record shall incorporate system status and error messages generated during election processing, including a log of machine activities and routine and unusual intervention by authorized and unauthorized individuals. Also part of an election audit trail is the documentation of such items as ballots delivered and collected, administrative procedures for system security, pre-election testing of voting systems, and maintenance performed on voting equipment.

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"Ballot" means an electronic audio or video display or any other medium used to record a voter's choices for the candidates of his or her preference and for or against public questions.

"Ballot configuration" means the particular combination of political subdivision or district ballots including, for each political subdivision or district, the particular combination of offices, candidate names, and public questions as they appear for each group of voters who may cast the same ballot.

"Ballot image" means a corresponding representation in electronic form of the mark or vote position of a ballot.

"Ballot label" or "ballot screen" means the display of material containing the names of offices and candidates and public questions to be voted on.

"Computer", "automatic and electronic tabulating equipment", or "equipment" includes (i) apparatus necessary to automatically or electronically examine and count votes as designated on ballots and (ii) data processing machines that can be used for counting ballots and tabulating results.

"Computer operator" means any person or persons designated by the election authority to operate the automatic tabulating equipment during any portion of the vote tallying process in an election, but shall not include judges of election operating vote tabulating equipment in the precinct.

"Computer program" or "program" means the set of operating instructions for the automatic or electronic tabulating equipment that examines, records, counts, tabulates, canvasses, and prints votes recorded by a voter on a ballot.

"Direct recording electronic voting system", "voting system", or "system" means the combination of equipment and programs that records votes by means of a ballot display provided with mechanical or electro-optical devices that can be activated by the voter, that processes the data by means of a computer program, that records voting data and ballot images in internal memory devices, and that produces a tabulation of the voting data as hard copy or stored in a removable memory device.

"Edit listing" means a computer generated listing of the names of

each candidate and public question as they appear in the program for each precinct.

"In-precinct counting" means the recording and counting of ballots on automatic or electronic tabulating equipment provided by the election authority in the same precinct polling place in which those ballots have been cast.

"Separate ballot" means a separate page or display screen of the ballot that is clearly defined and distinguishable from other portions of the ballot.

"Voting device" or "voting machine" means a Direct Recording Voting System apparatus.

(10 ILCS 5/24C-3 new)

Sec. 24C-3. Adoption, experimentation, or abandonment of Direct Recording Electronic Voting System; boundaries of precincts; notice. Except as otherwise provided in Section 24C-20, any county board or board of county commissioners, with respect to territory within its jurisdiction, may adopt, experiment with, or abandon a Direct Recording Electronic Voting System approved for use by the State Board of Elections and may use the system in all or some of the precincts within its jurisdiction, or in combination with punch cards, paper ballots, or ballot sheets. In no case may a county board, board of county commissioners, or board of election commissioners contract or arrange for the purchase, lease, or loan of a Direct Recording Electronic Voting System or system component

without the approval of the State Board of Elections as provided by Section 24C-16. The county board and board of county commissioners of each county having a population of 40,000 or more, with respect to all elections for which an election authority is charged with the duty of providing materials and supplies, must provide either a Direct Recording Electronic Voting System approved for use by the State Board of Elections under this Article or voting systems under Article 24, Article 24A, or Article 24B for each precinct for all elections, except as provided in Section 24-1.2. For purposes of this Section "population" does not include persons prohibited from voting by Section 3-5 of this Code.

Before any Direct Recording Electronic Voting System is introduced, adopted, or used in any precinct or territory, at least 2 months public notice must be given before the date of the first election when the system is to be used. The election authority shall publish the notice at least once in one or more newspapers published within the county, or other jurisdiction, where the election is held. If there is no such newspaper, the notice shall be published in a newspaper published in the county and having a general circulation within the jurisdiction. The notice shall be substantially as follows:

"Notice is hereby given that on (give date), at (insert place where election is held) in the county of (insert county) an election will be held for (insert name of offices to be filled) at which a Direct Recording Electronic Voting System will be used."

Dated at ... (insert date)"

This notice referred to shall be given only at the first election

at which the Direct Recording Electronic Voting System is used.

(10 ILCS 5/24C-3.1 new)

Sec. 24C-3.1. Retention, consolidation, or alteration of existing precincts; change of location. When a Direct Recording Electronic Voting System is used, the county board or board of election commissioners may retain existing precincts or may consolidate, combine, alter, decrease, or enlarge the boundaries of the precincts to change the number of registered voters of the precincts using the system, establishing the number of registered voters within each precinct at a number not to exceed 800 as the appropriate county board or board of election commissioners determines will afford adequate voting facilities and efficient and economical elections.

Except in the event of a fire, flood, or total loss of heat in a place fixed or established pursuant to law by any county board or board of election commissioners as a polling place for an election, no election authority shall change the location of a polling place established for any precinct after notice of the place of holding the election for that precinct has been given as required under Article 12, unless the election authority notifies all registered voters in the precinct of the change in location by first class mail in sufficient time for the notice to be received by the registered voters in the precinct at least one day prior to the date of the election.

(10 ILCS 5/24C-4 new)

Sec. 24C-4. Use of Direct Recording Electronic Voting System; requisites; applicable procedure. Direct Recording Electronic Voting Systems may be used in elections provided that the systems enable the voter to cast a vote for all offices and on all public questions for which he or she is entitled to vote, and that the systems are approved for use by the State Board of Elections.

So far as applicable, the procedure provided for voting paper ballots shall apply when Direct Recording Electronic Voting Systems are used. The provisions of this Article 24C will govern when there

are conflicts.

(10 ILCS 5/24C-5 new)

Sec. 24C-5. Voting booths. In precincts where a Direct Recording Electronic Voting System is used, a sufficient number of voting booths shall be provided for the use of the system according to the requirements determined by the State Board of Elections. Each booth shall be placed so that the entrance to each booth faces a wall in a manner that no judge of election or pollwatcher is able to observe a voter casting a ballot.

(10 ILCS 5/24C-5.1 new)

Sec. 24C-5.1. Instruction of voters. Before entering the voting booth each voter shall be offered instruction in using the Direct Recording Electronic Voting System. In instructing voters, no election judge may show partiality to any political party or candidate. The duties of instruction shall be discharged by a judge from each of the political parties represented and they shall alternate serving as instructor so that each judge shall serve a like time at those duties. No instructions may be given after the voter

has entered the voting booth.

No election judge or person assisting a voter may in any manner request, suggest, or seek to persuade or induce any voter to cast his or her vote for any particular ticket, candidate, amendment, question, or proposition. All instructions shall be given by election judges in a manner that it may be observed by other persons in the polling place.

(10 ILCS 5/24C-5.2 new)

Sec. 24C-5.2. Demonstration of Direct Recording Electronic Voting System; placement in public library. When a Direct Recording Electronic Voting System is to be used in a forthcoming election, the election authority may provide, for the purpose of instructing voters in the election, one demonstrator Direct Recording Electronic Voting System unit for placement in any public library within the political subdivision where the election occurs. If the placement of a demonstrator takes place it shall be made available at least 30 days before the election.

(10 ILCS 5/24C-6 new)

Sec. 24C-6. Ballot information; arrangement; absentee ballots; spoiled ballots. The ballot information shall, as far as practicable, be in the order of arrangement provided for paper ballots, except that the information may be in vertical or horizontal rows or on a number of separate pages or display screens.

All public questions, including but not limited to public questions calling for a constitutional convention, constitutional amendment, or judicial retention, shall be placed on the ballot separate and apart from candidates. Ballots for all public questions shall be clearly designated pursuant to administrative rule of the State Board of Elections. More than one amendment to the constitution may be placed on the same portion of the ballot screen. Constitutional convention or constitutional amendment propositions shall precede all candidates and other propositions and shall be placed on a separate portion of the ballot and designated by borders or unique color screens, unless otherwise provided by administrative rule of the State Board of Elections. More than one public question may be placed on the same portion of the ballot. Judicial retention propositions shall be placed on a separate portion of the ballot designated pursuant to administrative rule of the State Board of Elections. More than one proposition for retention of judges in office may be placed on the same portion of the ballot.

The party affiliation, if any, of each candidate or the word "independent", where applicable, shall appear near or under the

candidate's name, and the names of candidates for the same office shall be listed vertically under the title of that office. In the case of nonpartisan elections for officers of political subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Illinois Constitution requires otherwise, the listing of nonpartisan candidates shall not include any party or "independent" designation. In primary elections, a separate ballot, shall be used for each political party holding a primary, with the ballot arranged to include names of the candidates of the party and public questions

and other propositions to be voted upon on the day of the primary election.

If the ballot includes both candidates for office and public questions or propositions to be voted on, the election official in charge of the election shall divide the ballot in sections for "Candidates" and "Public Questions", or separate ballots may be used.

Any voter who spoils his or her ballot or makes an error shall be provided a means of correcting the ballot or obtaining a new ballot prior to casting his or her ballot.

(10 ILCS 5/24C-6.1 new)

Sec. 24C-6.1. Security designation. In all elections conducted under this Article, ballots shall have a security designation. In precincts where more than one ballot configuration may be voted upon, ballots shall have a different security designation for each ballot configuration. If a precinct has only one possible ballot configuration, the ballots must have a security designation to identify the precinct and the election. Where ballots from more than one precinct are being tabulated, the ballots from each precinct must be clearly identified; official results shall not be generated unless the precinct identification for any precinct corresponds. The Direct Recording Electronic Voting System shall be designed to ensure that the proper ballot is selected for each polling place and that the format can be matched to the software or firmware required to interpret it correctly. The system shall provide a means of programming each piece of equipment to reflect the ballot requirements of the election and shall include a means for validating the correctness of the program and of the program's installation in the equipment or in a programmable memory device.

(10 ILCS 5/24C-7 new)

Sec. 24C-7. Write-in ballots. Pursuant to administrative rule of the State Board of Elections, a Direct Recording Electronic Voting System shall provide an acceptable method for a voter to vote for a person whose name does not appear on the ballot using the same Direct Recording Electronic Voting System used to record votes for candidates whose name do appear on the ballot.

(10 ILCS 5/24C-8 new)

Sec. 24C-8. Preparation for use; comparison of ballots; operational checks of Direct Recording Electronic Voting Systems equipment; pollwatchers. The election authority shall cause the approved Direct Recording Electronic Voting System equipment to be delivered to the polling places. Before the opening of the polls, all Direct Recording Electronic Voting System devices shall provide a printed record of the following, upon verification of the authenticity of the commands by a judge of election: the election's identification data, the equipment's unit identification, the ballot's format identification, the contents of each active candidate register by office and of each active public question register showing that they contain all zeros, all ballot fields that can be used to invoke special voting options, and other information needed to ensure the readiness of the equipment, and to accommodate administrative reporting requirements.

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The Direct Recording Electronic Voting System shall provide a means for the election judges to open the polling place and ready the equipment for the casting of ballots. Those means shall incorporate a security seal, a password, or a data code recognition capability to prevent inadvertent or unauthorized actuation of the poll-opening function. If more than one step is required, it shall enforce their execution in the proper sequence.

Pollwatchers, as provided by law, shall be permitted to closely observe the judges in these procedures and to periodically inspect the Direct Recording Electronic Voting System equipment when not in use by the voters.

(10 ILCS 5/24C-9 new)

Sec. 24C-9. Testing of Direct Recording Electronic Voting System equipment and programs; custody of programs, test materials, and ballots. Prior to the public test, the election authority shall conduct an errorless pre-test of the Direct Recording Electronic Voting System equipment and programs to determine that they will correctly detect voting defects and count the votes cast for all offices and all public questions. On any day not less than 5 days prior to the election day, the election authority shall publicly test the Direct Recording Electronic Voting System equipment and programs to determine that they will correctly count the votes cast for all offices and on all public questions. Public notice of the time and place of the test shall be given at least 48 hours before the test by publishing the notice in one or more newspapers within the election jurisdiction of the election authority, if a newspaper is published in that jurisdiction. If a newspaper is not published in that jurisdiction, notice shall be published in a newspaper of general circulation in that jurisdiction. Timely written notice stating the date, time, and location of the public test shall also be provided to the State Board of Elections. The test shall be open to representatives of the political parties, the press, representatives of the State Board of Elections, and the public. The test shall be conducted by entering a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots having votes exceeding the number allowed by law to test the ability of the electronic tabulating equipment to reject the votes. The test shall also include producing an edit listing.

The State Board of Elections may select as many election jurisdictions that the Board deems advisable in the interests of the election process of this State to order a special test of the electronic tabulating equipment and program before any regular election. The Board may order a special test in any election jurisdiction where, during the preceding 12 months, computer programming errors or other errors in the use of the system resulted in vote tabulation errors. Not less than 30 days before any election, the State Board of Elections shall provide written notice to those selected jurisdictions of its intent to conduct a test. Within 5 days of receipt of the State Board of Elections' written notice of intent to conduct a test, the selected jurisdictions shall forward to the principal office of the State Board of Elections a copy of all specimen ballots. The State Board of Elections' tests shall be conducted and completed not less than 2 days before the public test using testing materials supplied by the Board and under the supervision of the Board, and the Board shall reimburse the election authority for the reasonable cost of computer time required

to conduct the special test. After an errorless test, materials used in the public test, including the program, if appropriate, shall be sealed and remain sealed until the test is run again on election day.

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If any error is detected, the cause of the error shall be determined and corrected, and an errorless public test shall be made before the automatic tabulating equipment is approved. Each election authority shall file a sealed copy of each tested program to be used within its jurisdiction at an election with the State Board of Elections before the election. The Board shall secure the program or programs of each election jurisdiction so filed in its office for the 60 days following the canvass and proclamation of election results. At the expiration of that time, if no election contest or appeal is pending in an election jurisdiction, the Board shall return the sealed program or programs to the election authority of the jurisdiction. After the completion of the count, the test shall be re-run using the same program. Immediately after the re-run, all material used in testing the program and the programs shall be sealed and retained under the custody of the election authority for a period of 60 days. At the expiration of that time the election authority shall destroy the voted ballots, together with all unused ballots returned from the precincts, provided, that if any contest of election is pending at the time in which the ballots may be required as evidence and the election authority has notice of the contest, the ballots shall not be destroyed until after the contest is finally determined. If the use of back-up equipment becomes necessary, the same testing required for the original equipment shall be conducted.

(10 ILCS 5/24C-10 new)

Sec. 24C-10. Recording of votes by Direct Recording Electronic Voting Systems. Whenever a Direct Recording Electronic Voting System is used to electronically record and count the votes of ballots, the provisions of this Section shall apply. A voter shall cast a proper vote on a ballot pursuant to the instructions provided on the screen or labels.

(10 ILCS 5/24C-11 new)

Sec. 24C-11. Functional requirements. The functional requirements of a Direct Recording Electronic Voting System shall be specified by the administrative rules of the State Board of Elections.

(10 ILCS 5/24C-12 new)

Sec. 24C-12. Procedures for counting and tallying of ballots. In an election jurisdiction where a Direct Recording Electronic Voting System is used, the procedures in this Section for counting and tallying the ballots shall apply.

Before the opening of the polls, the judges of elections shall assemble the voting equipment and devices and turn the equipment on. The judges shall, if necessary, take steps to actuate the voting devices and counting equipment by inserting into the equipment and voting devices appropriate electronic media containing passwords and data codes that will select the proper ballot formats for that polling place and that will prevent inadvertent or unauthorized actuation of the poll-opening function. Before voting begins and before ballots are entered into the voting devices, the judges of

election shall cause to be printed a record of the following: (i) the election's identification data, (ii) the device's unit identification, (iii) the ballot's format identification, (iv) the contents of each active candidate register by office and of each active public question register showing that they contain all zeros, (v) all ballot fields that can be used to invoke special voting options, and (vi) other information needed to ensure the readiness of the equipment and to accommodate administrative reporting requirements. The judges must also check to be sure that the totals are all zeros in the counting columns and in the public counter affixed to the voting devices.

After the judges have determined that a person is qualified to

vote, the judges shall enable a voting device to be used by the voter and the proper ballot to which the voter is entitled shall be selected. The ballot may then be cast by the voter by marking by appropriate means the designated area of the ballot for the casting of a vote for any candidate or for or against any public question. The voter shall be able to vote for any and all candidates and public measures appearing on the ballot in any legal number and combination and the voter shall be able to delete or change his or her selections before the ballot is cast. The voter shall be able to select candidates whose names do not appear upon the ballot for any office by following the instructions provided on the screen or labels as many names of candidates as the voter is entitled to select for each office.

Upon completing his or her selection of candidates or public questions, the voter shall signify that voting has been completed by activating the appropriate button, switch, or active area of the ballot screen associated with end of voting. Upon activation, the voting system shall record an image of the completed ballot, shall increment the proper ballot position registers, and shall signify to the voter that the ballot has been cast. The voter shall exit the voting station and the voting system shall prevent any further attempt to vote until it has been re-activated by the judges of election. If the voter fails to cast his or her ballot and leaves the polling place, 2 judges of election, one from each of the 2 major political parties, shall spoil the ballot.

Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or public question on the voting or counting equipment.

The precinct judges of election shall check the public register to determine whether the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the applications for ballot. If the same do not agree, the judges of election shall immediately contact the offices of the election authority in charge of the election for further instructions. If the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the application for ballot, the number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated

and 4 copies of a "Certificate of Results" shall be printed by the electronic tabulating equipment. In addition, one copy shall be posted in a conspicuous place inside the polling place and every effort shall be made by the judges of election to provide a copy for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots. Additional copies shall be made available to pollwatchers, but in no case shall there be fewer than 4 chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy that has been posted.

If instructed by the election authority, the judges of election shall cause the tabulated returns to be transmitted electronically to the offices of the election authority via modem or other electronic medium.

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials and equipment as instructed by the election authority; provided, however, that the container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose in a

manner that the ballots cannot be removed from the container without breaking the seal or filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority, or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots and election material and equipment, as instructed by the election authority, from all precincts within the jurisdiction of the election authority have been returned to the election authority. Ballots and election materials and equipment returned to the office of the election authority that are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots and election materials and equipment by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots and election materials and equipment as provided shall, in the event the ballots, materials, or equipment cannot be found when needed, on proper request, produce the receipt that they are to take as above provided.

(10 ILCS 5/24C-13 new)

Sec. 24C-13. Counting of absentee ballots. All jurisdictions using Direct Recording Electronic Voting Systems shall count absentee ballots at the office of the election authority. The provisions of Sections 24A-9 and 24B-9 shall apply to the testing and notice requirements for central count tabulation equipment, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file; except that votes shall be recorded by precinct.

Any election authority using a direct recording electronic voting system shall use voting systems approved for use under Articles 16, 24A, or 24B when conducting absentee voting. The absentee ballots shall be examined and processed pursuant to Sections 19-9 and 20-9. The results shall be recorded by precinct and shall become part of the certificate of results.

(10 ILCS 5/24C-14 new)

Sec. 24C-14. Tabulating votes; direction; presence of public; computer operator's log and canvass. The procedure for tabulating the votes by the Direct Recording Electronic Voting System shall be under the direction of the election authority and shall conform to the requirements of the Direct Recording Electronic Voting System. During any election-related activity using the Direct Recording Electronic Voting System equipment, the election authority shall dedicate the equipment to vote processing to ensure the security and integrity of the system.

A reasonable number of pollwatchers shall be admitted to the counting location. Persons may observe the tabulating process at the discretion of the election authority; however, at least one representative of each established political party and authorized agents of the State Board of Elections shall be permitted to observe this process at all times. No persons except those employed and authorized for the purpose shall touch any ballot, ballot box, return, or equipment.

The computer operator shall be designated by the election authority and shall be sworn as a deputy of the election authority. In conducting the vote tabulation and canvass, the computer operator must maintain a log which shall include the following information:

(1) alterations made to programs associated with the vote counting process;

(2) if applicable, console messages relating to the program and the respective responses made by the operator;

(3) the starting time for each precinct counted, the number of ballots counted for each precinct, any equipment problems and, insofar as practicable, the number of invalid security designations encountered during that count; and

(4) changes and repairs made to the equipment during the vote tabulation and canvass.

The computer operator's log and canvass shall be available for public inspection in the office of the election authority for a period of 60 days following the proclamation of election results. A copy of the computer operator's log and the canvass shall be transmitted to the State Board of Elections upon its request and at its expense.

(10 ILCS 5/24C-15 new)

Sec. 24C-15. Official return of precinct; check of totals; audit. The precinct return printed by the Direct Recording Electronic Voting System tabulating equipment shall include the number of ballots cast, ballots cast by each political party for a primary election, and votes cast for each candidate and public question and shall constitute the official return of each precinct. In addition to the

precinct return, the election authority shall provide the number of applications for ballots in each precinct, the total number of ballots counted in each precinct for each political subdivision and district, and the number of registered voters in each precinct. The election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy regarding the total number of votes cast in any precinct, shall have the ballots for that precinct audited to correct the return. The procedures for this audit shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots except for election contests and discovery recounts. The certificate of results, that has been prepared and signed by the judges of election in the polling place and at the election authority's office after the ballots have been tabulated, shall be the document used for the canvass of votes for the precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals reflected on the certificate of results, the ballots for that precinct shall be audited to correct the return.

Prior to the proclamation, the election authority shall test the voting devices and equipment in 5% of the precincts within the election jurisdiction. The precincts to be tested shall be selected after election day on a random basis by the State Board of Elections, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected.

The test shall be conducted by entering a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots that have votes in excess of the number allowed by law to test the ability of the equipment to reject those votes. If any error is detected, the cause shall be determined and corrected, and an errorless count shall be made prior to the official canvass and proclamation of election results.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the chairman of the county central committee of each established political party, and qualified civic organizations shall be given prior written notice of the time

and place of the test and may be represented at the test.

The results of this re-tabulation shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Code. Upon completion of the test, the election authority shall print a report showing the results of the test and any errors encountered and the report shall be made available for public inspection.

(10 ILCS 5/24C-15.01 new)

Sec. 24C-15.01. Transporting ballots to central counting station; container. Upon completion of the tabulation, audit, or test of voting equipment, if the election authority so instructs, pursuant to Sections 24C-11 through 24C-15, the voting equipment and ballots from

each precinct shall be replaced in the container in which they were transported to the central counting station. If the container is not a type that may be securely locked, then each container, before being transferred from the counting station to storage, shall be sealed with filament tape wrapped around the container lengthwise and crosswise, at least twice each way, and in a manner that the equipment and ballots cannot be removed from the container without breaking the tape.

(10 ILCS 5/24C-15.1 new)

Sec. 24B-15.1. Discovery recounts and election contests. Discovery recounts and election contests shall be conducted as otherwise provided for in this Code. The Direct Recording Electronic Voting System equipment shall be tested prior to the discovery recount or election contest as provided in Section 24C-9 and then the official ballots shall be audited.

The log of the computer operator and all materials retained by the election authority in relation to vote tabulation and canvass shall be made available for any discovery recount or election contest.

(10 ILCS 5/24C-16 new)

Sec. 24C-16. Approval of Direct Recording Electronic Voting Systems; requisites. The State Board of Elections shall approve all Direct Recording Electronic Voting Systems provided by this Article.

No Direct Recording Electronic Voting System shall be approved unless it fulfills the following requirements:

(1) It enables a voter to vote in absolute secrecy, except in the case of voters who receive assistance as provided in this Code.

(2) It enables each voter to vote at an election for all persons and offices for whom and for which the voter is lawfully entitled to vote, to vote for as many persons for an office as the voter is entitled to vote for, and to vote for or against any public question upon which the voter is entitled to vote, but no other.

(3) It will detect and reject all votes for an office or upon a public question when the voter has cast more votes for the office or upon the public question than he or she is entitled to cast; provided, however, that it will inform a voter that the voter's choices as recorded on the ballot for an office or public question exceeds the number that the voter is entitled to vote for on that office or public question and will offer the voter an opportunity to correct the error before rejecting the choices recorded on the voter's ballot.

(4) It will enable each voter in primary elections to vote only for the candidates of the political party with which he or she had declared affiliation and preclude the voter from voting for any candidate of any other political party.

(5) It enables a voter to vote a split ticket selected in

part from the nominees of one party, in part from the nominees of any or all parties, in part from independent candidates, and in part of candidates whose names are written in by the voter.

(6) It enables a voter, at a Presidential election, by a single selection to vote for the candidates of a political party for Presidential electors.

(7) It will prevent anyone voting for the same person more than once for the same office.

(8) It will record and count accurately each vote properly cast for or against any candidate and for or against any public question, including the names of all candidates whose names are written in by the voters.

(9) It will be capable of merging the vote tabulation results produced by other vote tabulation systems, if necessary.

(10) It will provide a means for sealing and resealing the vote recording devices to prevent their unauthorized use and to prevent tampering with ballot labels.

(11) It will be suitably designed for the purpose used, be durably constructed, and be designed for safety, accuracy, and efficiency.

(12) It will be designed to accommodate the needs of elderly, handicapped, and disabled voters.

(13) It will enable a voter to vote for a person whose name does not appear on the ballot.

(14) It will be designed to ensure that vote recording devices or electronic tabulating equipment that count votes at the precinct will not be capable of reporting vote totals before the close of the polls.

(15) It will provide an audit trail.

The State Board of Elections is authorized to withdraw its approval of a Direct Recording Electronic Voting System if the system fails to fulfill the above requirements.

No vendor, person, or other entity may sell, lease, or loan a Direct Recording Electronic Voting System or system component to any election jurisdiction unless the system or system component is first approved by the State Board of Elections pursuant to this Section. The State Board of Elections shall not accept for testing or approval of any system or system component that has not first been evaluated by an independent testing laboratory or laboratories for performance and reliability using the standards that may from time to time be promulgated by the United States Federal Election Commission. When the functional requirements of this Section are in conflict with the standards promulgated by the Federal Election Commission, the standards of the Federal Election Commission shall govern.

(10 ILCS 5/24C-17 new)

Sec. 24C-17. Rules; number of voting booths. The State Board of Elections may make reasonable rules for the administration of this Article and may prescribe the number of voting booths required for the various types of voting systems.

(10 ILCS 5/24C-18 new)

Sec. 24C-18. Specimen ballots; publication. When a Direct Recording Electronic Voting System is used, the election authority shall cause to be published, at least 5 days before the day of each general and general primary election, in 2 or more newspapers published in and having a general circulation in the county, a true and legible copy of the specimen ballot containing the names of offices, candidates, and public questions to be voted on, as near as may be, in the form in which they will appear on the official ballot on election day. A true legible copy may be in the form of an actual size ballot and shall be published as required by this Section if

distributed in 2 or more newspapers published and having a general circulation in the county as an insert. For each election prescribed in Article 2A of this Code, specimen ballots shall be made available for public distribution and shall be supplied to the judges of election for posting in the polling place on the day of election. Notice for the consolidated primary and consolidated elections shall be given as provided in Article 12.

(10 ILCS 5/24C-19 new)

Sec. 24C-19. Additional method of voting. This Article shall be deemed to provide a method of voting in addition to the methods otherwise provided in this Code.

(10 ILCS 5/24C-20 new)

Sec. 24C-20. Application. This amendatory Act of the 91st General Assembly applies (i) only to elections conducted on or after January 1, 2001 and (ii) only to election jurisdictions in counties with a population of less than 3,000,000 and excluding election commissions created under Article 6 of this Code.".

And on that motion, a call of the roll was had resulting as follows:

Yeas 42; Nays 15.

The following voted in the affirmative:

Bomke
Clayborne
Cullerton
DeLeo
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Jacobs
Jones, W.
Karpiel
Klemm
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Mitchell
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley

Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Sieben
Silverstein
Sullivan

[Apr. 6, 2000]

Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

The following voted in the negative:

Bowles
Burzynski
Cronin
del Valle
Hawkinson
Hendon
Lauzen
Lightford
Ronen
Shadid
Shaw
Smith
Syverson
Trotter
Viverito

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1841**, as amended, was returned to the order of third reading.

EXCUSED FROM ATTENDANCE

On motion of Senator Dudycz, Senator Geo-Karis was excused from attendance, today and Friday, April 7, 2000, due to illness.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT ON CONSIDERATION POSTPONED

On motion of Senator Lauzen, **Senate Joint Resolution Constitutional Amendment No. 18** having been read in full a third time

on March 30, 2000, was again taken up.

Senator Lauzen moved the adoption of **Senate Joint Resolution Constitutional Amendment No. 18.**

And on that motion a call of the roll was had resulting as follows:

Yeas 42; Nays 13; Present 1.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Cronin
DeLeo
del Valle
Dillard
Donahue
Dudycz

Halvorson
Hawkinson
Jacobs
Jones, W.
Karpiel
Klemm
Lauzen
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Sieben
Silverstein
Sullivan
Syverson
Walsh, T.
Watson
Weaver
Mr. President

The following voted in the negative:

Demuzio
Hendon
Jones, E.
Lightford
Link
O'Daniel
Shadid
Shaw
Smith
Trotter
Viverito
Walsh, L.
Welch

The following voted present:

Mitchell

The motion prevailed.
And the resolution, was adopted by a three-fifths vote.
Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Senator Clayborne asked and obtained unanimous consent for the

Journal to reflect his affirmative vote on the adoption of **Senate Joint Resolution Constitutional Amendment No. 18**.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Noland, **House Bill No. 4404** having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4404 by replacing the title with the following:
"AN ACT in relation to value-added virtual equity loans."; and
by replacing everything after the enacting clause with the following:
"Section 5. The Illinois Farm Development Act is amended by adding Section 12.6 as follows:
(20 ILCS 3605/12.6 new)
Sec. 12.6. Value-added virtual equity program.
(a) The Authority shall, subject to appropriation, develop and administer a value-added virtual equity program for the purpose of promoting the value-added processing of Illinois farm products and by-products through loans to current and potential processors.

Qualifying processing facilities must be located in Illinois and must process, package, or otherwise enhance the value of farm products or by-products produced in Illinois. Loans may be used for the costs of establishing and operating a value-added processing facility, including, but not limited to, (i) purchasing land, (ii) purchasing, constructing, or refurbishing buildings, (iii) purchasing or refurbishing machinery or equipment, (iv) installation, (v) repairs, (vi) labor, and (vii) working capital.

(b) The recipient of a loan under this Section must provide a minimum percentage, as determined by the Authority, of the total cost of the processing project, with the balance of the project's total cost available from other sources. Other sources include, but are not limited to, commercial and private lenders, leasing companies, and grants. The recipient's match may be in cash, cash-equivalent investments, or both. A loan under this Section may not exceed 50% of the recipient's match or 17% of the processing project's total cost, whichever is less. No loan under this Section may exceed $1,700,000. A loan under this Section must be secured in accordance with Authority rule, may be disbursed only after funds from the project's other sources have been disbursed, and may be subordinate to that of any primary lender. Interest on a loan during the first 7 years shall accrue and compound at a rate determined by the Authority to be below market. Any portion of a loan, including principal and accrued and compounded interest, unpaid after 7 years may accrue and compound at the then-current market rate of interest.

(c) Loan applications must be made on forms provided by and in accordance with procedures established by the Authority. At a minimum, an applicant must be an Illinois resident, as defined by Authority rule, and shall be required to provide the names, addresses, and occupations of all project owners, the project address, and any relevant credit and financial information. The Authority shall develop evaluation standards for determination of the total project cost.

The Authority may charge an application fee, an annual administrative fee, or both in connection with a loan, for which the recipient or the recipient's primary lender shall be responsible. Any

fees or charges involved in recording mortgages, releasing financing statements, or other loan-related activity, as the Authority may determine, shall be the responsibility of the loan recipient.

(d) The Virtual Equity Fund is created as a special fund within the State treasury. The Fund may accept appropriations and moneys from any public or private sources. Appropriations from the Fund shall be used to make loans under this Section. Repayments of loans made under this Section shall be deposited into the Fund.

(e) The Authority shall adopt rules necessary for the implementation of this Section.

(f) The Authority shall report to the General Assembly on the status of this program on or before January 1 annually.

(g) This Section is repealed July 1, 2007. Loan repayments outstanding under this Section on or after that date remain due and payable, shall be collected by the Authority, and shall be deposited

into the General Revenue Fund.

Section 10. The State Finance Act is amended by adding Section 5.542 as follows:

(30 ILCS 105/5.542 new)

Sec. 5.542. The Virtual Equity Fund. This Section is repealed on July 1, 2007, and the balance in the Fund on that date shall be transferred to the General Revenue Fund.

Section 99. Effective date. This Act takes effect upon becoming law.".

Floor Amendment 2 was filed earlier today and referred to the Committee on Rules.

There being no further amendments, the bill, as amended, was ordered to a third reading.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 339

Offered by Senator O'Malley and all Senators:

Mourns the death of Stanley J. Yanas of Palos Heights.

SENATE RESOLUTION NO. 340

Offered by Senator O'Malley and all Senators:

Mourns the death of Joseph J. McCarthy of Orland Park.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

INTRODUCTION OF A BILL

SENATE BILL NO. 1957. Introduced by Senator Cullerton, a bill for AN ACT to amend certain Acts in relation to wildlife.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in

the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 298

A bill for AN ACT to amend the Hypodermic Syringes and Needles Act by changing Sections 1 and 2 and adding Section 2.5.

Passed the House, April 6, 2000.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bill No. 298** was taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1268

A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 19-4.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1268

Passed the House, as amended, April 6, 2000.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1268

AMENDMENT NO. 1. Amend Senate Bill 1268 on page 1, line 18, by changing "until" to "after".

Under the rules, the foregoing **Senate Bill No. 1268**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1447

A bill for AN ACT to amend the School Code by changing Section 14-8.02.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1447

Passed the House, as amended, April 6, 2000.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1447

AMENDMENT NO. 1. Amend Senate Bill 1447 on page 2, line 3, after the period, by inserting "In this Section, "parent" includes a foster parent."; and

on page 13, by replacing line 16 with "unavailable".

Under the rules, the foregoing **Senate Bill No. 1477**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 1353

A bill for AN ACT to amend the Illinois Identification Card Act by changing Section 8.

SENATE BILL NO 1735

A bill for AN ACT concerning the regulation of professions, amending named Acts.

Passed the House, April 6, 2000.
ANTHONY D. ROSSI, Clerk of the House

MOTION IN WRITING

Senator Jacobs submitted the following Motion in Writing:

Pursuant to Senate Rule 7-15(b), and having voted on the prevailing side, I move to reconsider the vote by which Floor Amendment No. 1 to **House Bill No. 3225** failed.

DATE: April 6, 2000 Denny Jacobs
Senator

The foregoing Motion in Writing was filed with the Secretary and placed on the Senate Calendar.

Senator Smith announced that there will be a Democrat caucus immediately upon adjournment.
Senator Karpiel announced that there will be a Republican caucus immeidately upon adjournment.

At the hour of 4:32 o'clock p.m., on motion of Senator Sullivan, the Senate stood adjourned until Friday, April 7, 2000 at 8:30 o'clock a.m.

[Apr. 6, 2000]